United States Court of Appeals for the Second Circuit



EXHIBITS

No. 76-1282

United States Court of Appeals for the Second Circuit.

UNITED STATES OF AMERICA,
APPELLEE,

1)

LOUIS C. OSTRER, DEFENDANT, APPELLANT.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK.

Appendix to Brief of the Defendant-Appellant.

Exhibits.

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(in order of introduction in evidence at March 1, 3, 4, 1976, hearing).

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Come of 36. Ou. Nov. 21, 1972 (1) Rul # 13:63 GXI Ali rine on glant Plant Open 1 - Magnine Det Tilly on plant Henry Brown & Symon Reenfeld in office 1540 hrs T. V. tunidan T. V. luned off no conversation in office 1550 hrs Datres & Seymous is of with 2 males appearently 1800 his not rel. 339-356 Ostier - Grenfield - Donald Filgsemmons from Detrot 1900 hrs 356-389 Descus M'Ciclan committe report on Local 295 and its insurance . Oster tells Filysemmons his getting license from Delaware. Ostres tells Rim his writing rebettal going to fight commettee. 2000 hrs Felgummins living office

P.e.11/12. Car 0:05/20 3 1021,1972 #2 Red A 3563 ADA Fine Descripted osho Ostrer, have much a to whom do you our money to. Octur repiys Cotter Julie he owes theyoo too, I asked Julie Silgel I from him tonight and Ill ask MCCANN for WARREN didn't give you 15,000 He's womed about glitting his Not runded Not. Ret. to Invest. Ostri Ostrer - Guenfield + Tilie November nieffice Julie you wont to pay me a 1,000 on it. ! Oster I got a check, what am i gonna do with it slock I in my a -- , I'me got to cash it tomorrow. Julie You said your going to give me a 1,000 chick today you said you'd write it out, you said you'd pay me. Oh Shet I'm getting feel up. I set around 3-4 hours your plotting, plotting, Fitzsinine be here 16 his, he'd which you up a bettle of lies. When he gives you like business let me have about A hill be fuckin up here a year. Then you tell J.B. shis gotta go pay her tention and you tell her she should went for you. Ostry Toles, stop being so fuchin up ight about it Jules + Osher go in shorting match about hour to sil around. Julie You get 6,400 Got 12 weeks and his mot paying

Plu/12 - 6 065/10 Abr. 21, 1972 Dul 3563 ADA Fine Cont Soul fuck any body, the gul was here engues fulit lonight, Suzy shis welt. You don't pay her enough. And read the salet hefore I take tout eto all have s read what. I'm not talking any more tonja, Everyday he says Dom making, I'm getting serile not he, he say to me, Tomonow ulce I'm gorma que you so much on account. Alight day he sey I said that, you don't do that Jules deny it Catres I'm getting feel up with this shet Jules alright Ontres Every lidy's got problems mot only you felis Ostre your getting I come here, a break my aiss to get this frican Jules thing out , she's heriel enough to do it, the gul shiting in her pants knowing. The gay flew in from Detrict
Then the faction what says to J. B Oches Julie Casher You wrong Jules He flys in carry week every week you go an Ok nonsense buchasil been here in sig weeks selie Osha I don't mean that, he comes here fules Take Guy come here in the morning at 10 oclock & Oster left him standing tell six-alugar Listen, if it weight for you hed bestown dalica What do you want me, to do, lell it to his father Orher On your tolling silly. Jules Calier

1/ 11/pz Case 315/10 No 021, 1972 Red 3565 what I'm raying. This pour gail is crying, saying fal. therewell get me in, what gil would so out and do like Utis gil. This Ruchen Ross (P) is sunce if he ever takes the witness stand, his wriched all over read this shit, read it Jales, I understood that Ret it go What do you want me to do give her a 400 saine 0 Maw, ele wants a stinking %0. What are you talking about J. C The gail is in tears you have her hung around here Bor 3 or 4 les Greenfield au comon shis lister O'll Lits cut out all this shit Touce Lord wong about theil, will take good core of her Pay your debto, how; 64 hollors night in my feel. pocket, 17 weeks, takes my money - fuch the interest You know what your angry alread, cause Kelvay orched you to leave the soon I dichi! I didn't ask you to leave the your Oster + Jules ni shouting match Greenfield She wanted J.B to Come Shewanted JB to leave, The afraid of hes Shis got no business staying here, to your falt she sloyed here, I chow scally come. Decause The said to J. B. Look J. B I Lond went to been what soing on, I don't want to hear

Q 11/2 Ger 25/10 No (21, 1972 Rul 9365 ADI Fine whats going on Just Chart come off I'm not offended but; I could have gotten than then he could have wanted, that all and del of come down with her I'm here Julie I walked in here at to oclock aw Shut 00 you Guck around Lulen you wont to so on the shought and named stop bolkering will the feelin weenen fales tolle him stop fooling around get down to buseness. Tells him her werse off now close year ago Talk is choop read that willige please He Cold his his taking the sland He would take the stand with this he can't afford to hed be desposed Sant this black mail No , where the blackmil It not 0 Nobody well be around, if shis setting well din ni a real. his sonna be wred? This is blackmil In this intermedation to the stand I want you to understand, why I'm doing this in come de gets to les. Then you can me this, that she gave a statement, du other whole your con alloch the witness creditability The gays a whose mostly his running around be took her all come the fuchin world.

Pl 11/2 Con 3/2/10 7 No. 021, 1972 Reef 1565 a married man brought offer all they shit, shis a single gul might an She would have to take the stand revelled This is creditablely. But lets assume samposty works der, she says no and I say to her do your recally That you came and soud to me felio on Mr Mowender. I feet terrible & Resourchat Horse(D) is going to do, want to be a & beffy and I said to you well you know your beeping coupany with The wan would you give the me a statement. In The says, she ilsught and she said yes Ill be glad to give you a statement. you understand thats what this is for don't you understand. But of he got wind of the fact, that she's genna testify shit his not gonno take the stand. Hes deshoyed of his cross exam on this shit He went down there loday night Thats what the probably gove them a statement under outh I don't then he gove it to them under outh I dust thurch so He told her his gotta be a curtues at well that's language she don't understand his get to be, he don't have to be level I think les deshayed but as you say what, you also got the other thing on them. You gave the grey the work, the fact thech he ower you money to years ago is not relivent or you one her many lo yradout your anderstant ats not reliebent, you gette keep, I'me getter slay

1 11/2 Cas 0/10 8 no O1/1772 Reel 3565 ATH FAIC the fact became the would it show about this so its not in here but you your reff soil its a matter of except he made a bundle night and he hept it didnil he . So what is he ganna kalify You ought to know man to man between you, what can be leslety to concerning the case. What are you concurred about they get my witnesses like that you gotto wen, Nis absolutly deshoyed, I'm gonna fele this away in the safe and I promised to give it to her. Pouse when the case is over How can be Make a copy of it you went a coopy of it?
Afea, I'll set it in my voult, Ital forbiel a thoused true something should hoppen you want to keep the original Ill que you the original No I don't woul you to go boch ou your word whoh the fell good is a photo copy Its no good Where your Vault Right in there Why don't you keep (and) (to thing them) word que it & her & Q well her we destroyed whis here

0

Sust me

Plin/22 Car 065/20 9 10.21,1972 Make a phetocopy were gonna reverse it The other ah, I promeed & give it to her here make 2 photo capies Whats that the other what B:11 · Kelsoy The other bags o'll put in the car, in your, in your you don't have to lake this off do your year - He just took Sey mous to the gasage you don't have to take the off just leave it on like that year am not go were take 1 ff -Make 2 Whats the garages to that This Well we can make up another one is a conformed copy of the original Well it is a conformed capy, its a photo copy, that will give your your in if he sets up light O What am I gouna say to hem d. Oarly tell Edelbour of I comes to heal an his Some be a wilness, They's dynamite in hallburg this cay is deshoried you see what she said he's whow all put being only a continued on the says by the way at one time Chey went away; the partner went along but they work separate som so they's no sence getting him in here is it. The said the registered over therein Europe as Man a whe; because the wife didn't all him, he gave her these drawoud muchs. You see this is only a skelter of all his gufte. She vays he bought his, he speak 1,000's of dollar

200%

I am call his partner you know Be careful, now here here you you. you playing with fire you play with fire to dangerous where your intermedity hun , your extenting in other word if a guy has some there against me he ways November you know of you doubt de so + so then you comment, you cout do Chat. That's why D surposely left him out He was a party to the whole, his manul. we was a party to this whose mastery but she said be didn't take any body . - Chicago - he bot her up to here everything she mentioned - a color set ale said she takes em, Cause I said you got to be careful you coul make it too vivid or they people say to you, what are you a gertfuench (med) of Mr Ostres, you follow me, so I put in there that, it son over you know what of mean she saw later that the man was king oway with linself. He's destroyed, the pury well say his a fuchin whose waster. all addleann das to burgout, I told him d'ell be in court that 10 yrs ago you bad this Robinson - Paterson night they were obligations. See, she wanted to put ni here. Hat every they you you ever did with him it tuisto shet so it was a loss, to I said I don't how about that but I do how that you would

drow but he made ce big profit in the stock

Mos of you had three of our writies the

DV21,1116 10 ADA Fore an you got this against them they've dead i The juny - a whose moster, this say played around well the kid for 2 yes, he told her ah. that he had another gert friend, when his wife leaned about it she wanted to give him his fulldom but the didn't care for the other one The believed him Heb a leget . buenes man night Hes ligt bus non Went to Europe, look her to Europe That oreditability of a writness you say anthun clast lends to throw exchelabely, the court of appeals how ruled time & time again Movember explains credability why don't you keep a copy I don't want a copy Mo don't give him a copy as for as I'm concerned there was no copy made Die Ches to Jules you can keep a copy gen Rem Who do you want the other copy to go too Put them away in the safe, in case something's). Dovil all bollsum about it till it comes up a way at that pour four find out Morse is you dedid get a bill of particular, I been you couldn't get that You till adelbown that that his gome have

Piet yes-0,21,1972 ADY FINE Sury as a witness and that hugy voide tany you have gree is goura be a witness gave you a statement give him a copy of A Ayou want to chold the original Mo you can put it away in the safe you want to hold the original - you hold it Doil you want to put I away in the safe you hold it You the lawyer that made the communitatent That nest at that point I will say that this gays word you see I just bldya fyour a witness Sivie me cle photo you got another one of you want another one One more for Calelbaum I wouldn't que to him now , you should'il que It too him now down good to him now, not yet Well know tomorrow what the stay is well and endlowed Jules again goes wito crechbelity and how the will destroy him. I don't that he takes the stand, what do you think of What Well, then in that case I quest, you see

Pl 11/22 Case 365/70 13 1/02/1972 Reel 35 65 12 ADD Fine lets see what he talks to her about tomorrow Course we got to be very veryerry conful Jea she may then later on Well him besten of your sonna take stand Arbrey you hear yea so alead Then so a decent human being no neiter what It could do to me I've got to show what a low Skunk you are follow me yea go ahead J' Kingot that and be take the stand - what do you think Of that a you've got dyminte here as you put it your self. Now we have to talk at church here either Finday or many Monday L'one got to find out of they got the bell of particular about the hours on the 28th Street & Jules then durans 6400 owed Jules Oso about McCom getting approval on the Ching

0030

Clant closed

Hand & mille 1 Que. 100 - 1, 1972 Case # 365/70 E.B Rul # A 3\$34 GXM ADA Fine For Magnire on plant. Det Duly one plant Incoming Call Susan (ord) to Lon Octres (in) 2558-569 for - Did he call you? (not recorded) Jul - yea (not recorded) Zon - yea sue - I told him not to. He called me anyway. He called the office. I told him not to call the office. Lon - Well, he told Seymon' he wants to talk to me. sue - yea I said to seymon, I don't want to talk to him Why d you say This Nothing. He could be all wired up. you know what I mean? That bastard Hows everything in the office OK Woney abusht you didn't sie me Freday Louis Ceh I'll see in Tommon you know al Lem What bake

Periliz Conofic Red 3574 Nove 27, 1972 ADA Frue If the phone is taped. Serew you whose ever on here gue. Sue OK Im not Talking about any thing, tenenalany way, Forday when I got paid, I thought mayle it was from you. I said look Sey nour I think you paid me arrang Low what did he give you I get \$104 dollars Low what did he give you Sue He gave millo Lou yea It said you been sexaming and yelling you wowled a few dollars cytra I will help up. I said is this from M. Ostrer. He said I have no che has nothing to do with me Ru year Sue This is an extra my dollars from me Low OK Sue & charled him new much Low alreght bake Social Good leyes Blant closed as . I if plant

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SUPREME COURT OF THE STATE OF NEW YORK COUNTY OF NEW YORK

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In the Matter

of

ORDER AMENDING
AND RENEWING
EAVESDROFFING
WARRANT : ORAL

the interception of certain oral communications occurring in the second floor office of premises at 377 Fifth Avenue, New York County, New York, occupied by Fringe Programs, Inc. and Louis C. Ostrer Associates.

It appearing from the affidavits of Frank S. Hogan, District Attorney of the County of New York, and Detective Walter Pinley of the New York City Police Department District Attorney's Squad, said affidavits having been submitted in support of this ORDER AMENDING AND RENEWING EAVESDROPPING WARRANT : ORAL that there are reasonable grounds to believe evidence of the crimes of Criminal Possession of Stolen Property as a Felony, Grand Larceny, Coercion in the Arst Dogree, Murder, Assault, Criminal Usury, Possession of Usurious Loan Records and Conspiracy to commit the mid crimes, may be obtained by intercepting and recording certain oral communications of Louis C. Ostrer, Jerry Delorenzo, Philly Tartaglia and "John", their accomplices, confederates and co-conspirators, at the above mentioned premises, and the Court being satisfied that the prosecution of these crimes could not be obtained by other means, it is

ORDERED, that the Order signed by the Honorable Harold Birns, Justice of the Supreme Court on October 24, 1972, and renewed on November 22, 1972, is hereby amended and renewed as follows:

ORDERED, that the afcresaid Order is Amended to have authorized the District Attorney of New York County or any police officer of the City of New York acting under his direction or supervision to intercept and record the following oral communications referred to in the incorporated affidavit of Detective Walter Finley: 1) The conversation between Lois C. Ostrer and Julius November of November 21, 1972 relating to the crime of coercion in connection with a witness in a pending criminal action in which Louis C. Ostrer is a defendant; 2) The conversation between Louis C. Ostrer, Jerry Delorenzo and Philly Tartaglia on December 5, 1972 relating to the crime of Grand Larceny in connection with the theft of money from a labor union as well as disposing of allegedly stolen currency or "burried money," for commission, also that portion of this conversation which includes the manipulation of allegedly stolen securities and the necessity for Anthony "Fat Tony" Salerno to approve the plan. This conversation also relates to the crime of criminal usury and the lending of money at usurious rates of interest; 3) The conversation between Louis C. Ostrery Jerry Delorenzo and Philly Tartaglia of December 6, 1972; 4) The conversation between Louis C. Ostrer and "John" of December 7, 1972; 5) The conversation between Louis Ostrer on December 20, 1972 and Jerry Delorenzo about monies paid to put out a "contract" to assault and murder arother, 6) The conversations of November 7, 1972 relating to allegedly stolen stock, as well as usury.

ORDERED, that the District Attorney of the County of New York, or any police officer of the City of New York

acting under the direction and supervision of anid District
Attorney, is hereby authorized to intercept and record the
oral communications of Louis C. Ostrer, Jerry Delorenzo,
Philly Tartaglia, and "John", their accomplices, confederates,
and co-conspirators pertaining to the crimes of Criminal
Possession of Stolen Property as a Pelony, Grand Larceny,
Coercion in the First Degree, Criminal Usury, Possession of
Usurious Loan Records and Conspiracy to commit the said
crimes occurring in the second floor office of premises at
377 Fifth Avenue, New York, New York, of Fring Programs,
Inc. and Louis C. Ostrer Associates, between the hours of
7 A.M. and 1:00 A.M., Monday through Saturday. The time
period being enlarged since there is probable cause to
believe that meetings may occur in the said premises beyond
9 P.M., the original period requested, and it is further

ORDERED, that the District Attorney of the County
of New York, or any police offices of the City of New York
acting under the direction and supervision of said District
Attorney is hereby authorized to intercept and record the oral
communications of Louis C. Ostrer and Jerry Delorenzo pertaining
to the crimes of murder and assault in the above captioned
premises and it is further

ORDERED, that the District Attorney of the County of New York, or any police officer in the City of New York acting under the direction and supervision of said District Attorney is hereby authorized to make any necessary secret entry in the second floor office premises at 377 Fifth Avenue, New York, New York, of Fringe Programs, Inc. and Louis C. Ostrer Associates to install, repair or remove the eavesdropping devices required to execute this warrant; and it is further

ORDERED, that nothing contained herein shall be construed as authorizing the District Attorney or his agents to intercept or overhear any conversation which appears privileged or unrelated to the aforementioned crimes; and that the interception of said conversation shall be conducted in such a way as to minimize the interception of communications not otherwise subject to eavesdropping by this order; and it is further

ORDERED, that his order shall authorize the interception of the following types of conversations, specifically conversations of Louis C. Ostrer, Jerry Delorenzo, Philly Tartaglia, and "John", their accomplices, confederates and co-conspirators relating to the crimes of Criminal Possession of Stolen Property as a Felony, Grand Larceny, Coercion in the First Degree, Criminal Usury, Possession of Usurious Loan Records and Conspiracy to commit the said crimes, plans to commit the said acts and Conspiracy to commit the said crimes and activities; and the conversations of Louis C. Ostrer and Jerry Delorenzo of the type relating to murder and assault, agreements and plans to commit the said crimes and methods of payment for them, and it is further

ORDERED, that this order shall be effective the 24th day of December, 1972, and be executed as soon as practicable and shall continue until the evidence and objectives as described in the aforementioned affidavits of Frank S. Hogan and Detective Walter Finley incorporated as a part hereof, shall have been obtained and shall authorize the interception of the said oral communications of Louis C. Ostrer, Jerry Delorenzo, Phillip Tartagliz

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at all times between the hours of 7 A.M. and 1 A.M. Monday through Saturday; and it is further

ORDERED, that this ORDER AMENDING AND RENEWING EAVESDROPPING WARRANT: ORAL shall amend and renew the Order signed by Justice Erns on October 24, 1972 and the renewal signed on November 22, 1972, and its authorization shall not automatically terminate when the communications described herein have been first obtained but in no event shall the period of interception exceed thirty (30) days from the effective date hereof, expiring January 22, 1973. The Warrants and Affidavits relative to the Order signed by Justice Harold Brins on October 24, 1972 and the Warrants and Affidavits relating to the Order signed by Justice Brins on November 22, 1972 are incorporated herein and made a part hereof.

Dated: Docember 22, 1972.

Justice of the Supreme Court

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SUPREME COURT OF THE STATE OF NEW YORK COUNTY OF NEW YORK

In the Matter

of

the interception of certain telephonic : ORDER MHENDING communications transmitted over lines and numbers MU 9-6380, MU 9-6381, MU 9-6382 and MU 9-6383 and coded auxiliary line R-91 listed to Fringe Programs, Inc. and Louis C. Ostrer Associates, and 689-6854 listed to Louis C. Ostrer, located on the second floor of 377 Fifth Avenue, New York County, New York.

AND RENEWING : EAVESDROPPING WARRANT : : TELEPHONIC

It appearing from the affidavits of Frank S. Hogan, District Attorney of the County of New York, and Detective Walter Finley of the New York City Police Department District Attorney's Squad, said affidavits having been submitted in support of this ORDER AMENDING AND RENEWING EAVESDROPPING WARRANT : TELEPHONIC, that there are reasonable grounds to believe that evidence of the crimes of Criminal Usury, Possession of Usurious Loan Records, Coercion in the First Degree and Conspiracy to commait the said crimes may be obtained by intercepting and recording certain telephonic communications of Louis C. Ostrer, Seymour Greenfield and William Kilroy, Jerry Delorenzo, "John", and "Danny", their accomplices, confederates and co-ecaspirators transmitted over lines and numbers HU 9-6380, MU 9-6391, MU 9-6382 and HU 9-6383 and coded auxiliary line R-91, and 689-6854 at the above mentioned premises, and the Court being satisfied that the prosecution of these crimes could not be obtained by other means, it is

ORDERED, that the Order signed by the Honorable Harold Birns, Justice of the Supreme Court, on October 24, 1972 as renewed on November 22, 1972, is hereby amended and renewed as follows:

ORDERED, that the aforesaid order is amended to have authorized the District Attorney of New York County or any police officer acting under his direction or supervision to intercept and record the conversations of November 27, 1972 between "Suzy" and Louis C. Ostrer relating to coercion of a witness in a criminal proceeding, where Ostrer is the defendant.

ORDERED, that the Order signed by Justice Birns on October 24, 1972 and renewed on November 22,3972 be amended to authorize the District Attorney of New York County or any police officer of the City of New York under his direction and supervision in addition to intercept and record the conversations of Louis C. Ostrer, Seymour Greenfield, and William Kilroy, Jerry Delorenzo, "John" and "Danny", their accomplices, confederates and co-conspirators transmitted over line 689-6354 as well as lines MU 9-6380, MU 9-6381, MU 9-6332, MU 9-6383 and coded auxillary line R91, at the above-mentioned premises pertaining to the crimes of Coercion in the First Degree, Criminal Usury, Possession of Usurious Loan Records and Conspiracy to commit said crimes, and it is further

ORDERED, that the District Attorney of the County of New York, or any police officer of the City of New York acting under the direction and supervision of said District Attorney, is hereby authorized to intercept and record the telephonic communications of Louis C. Ostrer, Seymour Greenfield and William Kilroy, Jerry Delorenzo, John; "Danny", their accomplices, confederates and co-conspirators pertaining to the crimes of Coercion in the First Degree, Criminal Usury, Possession of Usurious Loan Records and Conspiracy to commit the said crimes transmitted over lines and numbers MU 9-6380, MU 9-6381, MU 9-6382, MU 9-6383 and coded auxiliary line R-91, listed to Fringe Programs, Inc. and Louis C. Ostrer Associates and 689-6854 listed to Louis C. Ostrer, located on the second floor of 377 Fifth Avenue, New York County, New York, between the hours of 7 a.m. and 1:00 a.m., Monday through Saturday, the time period being enlarged since there is probable cause to believe that meetings may occur in the mid premises beyond 9 p.m. the original period requested; and it is further

ORDERED, that nothing contained herein shall be construed as authorizing the District Attorney or his agents to intercept or overhear any conversation which appears privileged or unrelated to the aforementioned crimes; and that the interception of said conversations shall be conducted in such a way as to minimize the interception of communications not otherwise subject to cavesdropping by this order; and it is further

ORDERED, that this Order shall authorize the interception of the following types of conversations specifically conversations of Louis C. Ostrer, Seymour Greenfield, William Kilroy, Jerry Delorenzo, "John; "Danny", their accomplices, confederates and co-conspirators, relating to the crimes of Coercion in the First Degree, Criminal Usury, Possession of Usurious Loan Records, transactions involving the transfer of money, checks, and evidence of indebtedness, financial transactions, and the use to which monies so obtained or transferred are to be put, plans to commit the said acts and conspiracy to commit the said crimes and activities; and it is further

ORDERED, that this order shall be effective the 24th day of Docember, 1972, and be executed as soon as practicable and shall continue until the evidence and objective as described in the aforementioned affidavits of Frank S. Hogan and Detective Walter Finley incorporated as a part hereof, shall have been obtained and shall authorize the interception of the said communications of Louis C. Ostror, Seymour Greenfield, William Kilroy, Jerry Delorenzo, "John", "Danny", and their accomplices, confederates and co-conspirators at all times between the hours of 7 a.m. and 1 a.m., Monday through Saturday; and it is further

ORDERED, that this ORDER AMENDING AND RENEWING EAVESDROPPING WARRANT: TELEPHONIC shall amend and renew the Order signed by Justice Harold Birns on October 24, 1972, as renowed on November 22, 1972, and its authorization shall not automatically terminate when the communications described herein have been first obtained but in no event shall the period of intercey ton exceed thirty (30) days from the effective date hereof, expiring January 22, 1973. The warrants and affidavits relating to the Order signed by Justice Harold Birns on October 24, 1972 and the warrants and affidavits relating to the Order signed by Justice Birns on November 22, 1972 are incorporated herein and made a part hereof.

Dated: December 22, 1972.

*

Justice of the Supreme Court

SUPREME COURT OF THE STATE OF NEW YORK COUNTY OF NEW YORK In the Matter of the interception of certain telephonic communications transmitted over lines and numbers MU 9-6380, MU 9-6381, MU 9-6382 and MU 9-6383, and coded auxiliary line R-91 listed to Fringe Programs, Inc. and Louis C. Ostrer Associates, and 689-6854 listed to Louis C. Ostrer, located on the second floor of 377 Fifth Avenue, New York County, New York. ----X APPLICATION In the Matter of the interception of certain oral communi- : cations occurring in the second floor office of premises at 377 Fifth Avenue, New York County, New York, occupied by Fringe Programs, Inc. and Louis C. Ostrer Associates. STATE OF NEW YORK)) 88. :

PRANK S. HOGAN, being duly sworn, deposes and says:

COUNTY OF NEW YORK)

I am the District Attorney of the County of New York, State of New York, and as such, present this affidavit in support of an application for an Order entitled ORDER AMENDING AND RENEWING EAVESDROPPING WARRANT :TELEPHONIC authorizing the interception and recording of certain

telephonic conversations of Louis C. Ostrer, Seymour Greenfield, William Kilroy, Jerry DeLorenzo, "John", "Danny; their accomplices, confederates and co-conspirators passing over numbers MU 9-6380, MU 9-6381, MU 9-6382 and MU 9-6383, and coded auxiliary line R-91 and 689-6854 at the above captioned address and in support of an application entitled ORDER AMENDING AND RENEWING EAVESDROPPING ARRANT: ORAL, authorizing the interception and recording of certain oral communications of Louis C. Ostrer, Jerry Delorenzo, Philly Tartaglia, "John" and their accomplices, confederates and co-conspirators by means of listening devices placed in the second loor office premises of Fringe Programs, Inc.and Louis C. Ostrer Associates at 377 Fifth Avenue, New York County, New York.

I have read the annexed affidavit of Detective Walter Finley verified the 22nd day of December, 1972 and made a part hereof.

Based upon the facts set forth in these affidavits, I respectfully submit to the Court that there is probable cause and reasonable grounds to believe that essential evidence of crime may be obtained by intercepting and recording the communications of Louis C. Ostrer, Seymour Greenfield, William Kilroy, Jerry Delorenzo, "John", "Danny", Philly Tartaglia and their accomplices, confederates and co-conspirators pertaining variously as specified in the attached warrants to the crimes of Grand Larceny, Criminal

Possession of Stolen Property as Pelony, Coercion in the First Degree, Murder, Assault, Criminal Usury, Possession of Usurious Loan Records and Conspiracy to commit the said crimes as specifically indicated in the attached warrants over the above mentioned telephones and listening devices.

Evidence gathered thus far has not yet enabled us to successfully prosecute the persons involved with and behind this criminal conspiracy, such as Anthony "Pat Tony" Salerno, Jerry Delorenzo, "Danny", "John", Philly Tartaglia and others. Nor has it enabled us to obtain sufficient evidence to identify the proposed victim of the assault-murder planned and participated in by Ostrer and Delorenzo. Nor have we been able to completely identify all of the criminal accomplices.

In my opinion, there are no practical alternative means of acquiring comparable evidence or information. I believe the nature of the criminal activity involved is of sufficient public importance to warrant the employment of electronic eavesdropping devices.

frank l. Hozen

Sworn to before me this

22 day of December, 1972.

Janes Kampan

Notary Public Children Very

SUPREME COURT OF THE STATE OF NEW YORK COUNTY OF NEW YORK

In the Matter

of

the interception of certain telephonic communications transmitted over lines and numbers MU 9-6380, MU 9-6381, MU 9-6382 and MU 9-6383 and coded auxiliary number R-91, listed to FRINGE PROGRAMS, INC. and LOUIS C. OSTRER ASSOCIATES, and 689-6854 listed to LOUIS C. OSTRER, located on the second floor of 377 Fifth Avenue, New York County, New York.

AFFIDAVIT

In the Matter

of

the interception of certain oral communications occurring in the second floor office of premises at 377 Fifth Avenue, New York County, New York, occupied by FRINGE PROGRAMS, INC., and LOUIS C. OSTRER ASSOCIATES.

COUNTY OF NEW YORK) ss.

WALTER FINLEY, being duly sworn, deposes and says:

I am a Police Detective assigned to the New York County District Attorney's Office Squad, the primary function of which is the investigation and prosecution of criminal activity of an organized nature.

I am presently conducting an investigation to determine whether the crimes of Criminal Usury, Possession

of Usurious Records, Grand Larlany, Criminal Possession of Stolen Property, as a felony, Coercion in the First Degree and Conspiracy to commit the said crimes as defined in the New York State Penal Law, have been and are being committed in the County of New York and the City of New York. This affidavit is submitted in support of District Attorney Frank S. Hogan's application to renew and amend Eavesdropping Warrant: Telephonic and Eavesdropping Warrant: Oral.

This investigation has centered around the activities of LOUIS C. OSTRER, SEYMOUR GREENFIELD, WILLIAM KILROY, ANTHONY "FAT TONY" SALERNO, JERRY DELORENZO, PHILLY TARTAGLIA, "JOHN", DANNY MARINO, MORRIS MOLINSKY, their criminal accomplices, confederates and co-conspirators.

The following conversations and portions of conversations were overheard by the deponent or other police officers pursuant to the present Court ordered surveillance of the oral communications of LOUIS C. OSTRER, SEYMOUR GREENFIELD and WILLIAM KILROY.

November 7, 1972

Pursuant to Court Order, I overheard a conversation between Louis C. Ostrer and Frank Balante, a portion of which follows:

Ostrer: I don't care if it's in Eur re. I just want to get him to say O.K. Louie go ah ad. If he tells me to go ahead then I don't have to worry about nobody. I don't want to sell it on my own because I don't want no heat.

Balante: (Inaudible).

Ostrer: If he told me Louie let's sit tight, he's out now.

Now that papers worth a lot of money, it's just
laying there it's a lot of cabbage. Listen too
if he owes Ruby a hundred the stock brings 120,
if the stock brings 120, Tony will whack it up,
this way, everybody should get a chunk.

Balente: Listen if the time is right, it's right maybe if a guy sees a little money he'll take a little less for it see what I mean.

Ostrer: Cause Ruby says I ain't letting him hold no stock as long as he owes me money. Tony, if Tony says look whatever.

Balente: I know Ruby was lending this guy.

Ostrer: Whatever price we set he said, we'll have to add on a couple of pennies so we can give him some money. Before he went away CHAUNCEY said that's perfect. Tony's setting it up too so you wind up with 25 large. Oh great he said, that's exactly what he said great.

Balente: 25.

Ostrer: Now I don't know what he'll want to do now, I said to CHAUNCEY what's gonna happen with the stock now he said we'll get a lot of money against money.

This reveals that Ostrer needed to secure the authorization of Anthony "Fat Tony" Salerno prior to disposing of a quantity of allegedly stolen stock. Anthony "Fat Tony" Salerno is a notorious racketeer and a major figure in organized crime on the East Coast of the United States. This conversation further discloses that Charles "Ruby" Stein, a known gambler and loanshark, had loaned money to Charles "Chauncey" Rosenthal, who was recently released from federal prison and who has an inverest in this stock. Frank Balente, the other participant in this conversation is an associate of Anthony "Fat Tony" Salerno, who was arrested on October 25, 1972 and charged with the crime of Criminal Usury.

This conversation continued and Ostrer told
Balente that he made the last principal payment on October 6,
1972, saying, "The last was October 6, then I paid two weeks
juice, then I've got two more weeks juice thatbrings me up
to last Friday." In addition Ostrer, referring to Salerno
said to Balente, "If he says okay, I'll start peddling it
immediately, it's right here in the drawer, I don't have to
go far to find it, you know what I mear." In addition,
Ostrer told Balente, "I don't want to make a bt of money
cause I don't want to get involved with the SEC. I don't
want to manipulate these things it's going on the merit,
the company needs the money. Let it go slow, I don't want
to end up doing eighty-two years."

This conversation reveals that Ostrer has borrowed money at usurious rates of interest, the term "juice" is an underworld codeword denoting usurious interest. Also, the conversation discloses the location of the stock and Ostrers concern about his criminal liability for the crimes involved in his wrongful handling of the stock.

November 21, 1972

Pursuant to Court Order, I overheard a conversations between Louis C. Ostrer, Seymour Greenfield and Julius "Julie" November, a portion of which follows.

November: What I'm saying, this poor girl is crying, saying
J.C. this will get me, in, what girl would go out
and do like this girl. This fuckenMorse (phonetic)
is ruined if he ever takes the witness stand, he's
wrecked all over, sead this shit, read it.

Ostrer: Jules, I understand that.

November: Let it go.

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Ostrer: What do you want me to do give her a \$400 raise.

November: Now, eh wants a stinking \$10.

Ostrer: What are you talking about J.N.?

November: The girl is in tears you have her hung around here for 3 or 4 hours.

Greenfield: Aw she's listen I'll.

November: Let's cut out all this chit Louie.

Greenfield: Don't worry about that, we'll take good care of her.

November: Pay your debts, how, 64 dollars right in my fucken pocket, 17 weeks, takes my money, fuck the interest.

This conversation reveals that Ostrer and November, an attorney, possesses a written document the disclosure of which would ruin "Morse" if "Morse" takes the witness stand.

The conversation also discloses the fact that November has loaned money to Ostrer at usurious rates of interest.

Subsequently, the conversation continued as follows.

November: Talk is cheap readthat will you please.

Ostrer: He told this he's taking the stand.

November: He won't take the stand with this he can't afford

to he'd be disgraced.

Ostrer: Isn't this black mail.

No ember: No, where's the black mail.

Ostrer: It's not.

November: Nobody will be around, if she's sitting with him in a restaurant, he's gonna be wired? This is

black mail.

Ostrer: Is this intimidation.

November: No, you're entitled, I want you to understand,
why I'm going this in case he gets to her. Then
you can use this, that she gave a statement,
in other words you can attack the witness credibility.
The guys a shore master he's running around he took
her all over the fucken world. A married man
bought all this shit, she's a single girl, right an.

Ostrer: She would have to take the stand wouldn

November: This is credibility. But let's assume that somebody reaches her, she says no and I say to her do you recall that you came and said to me Jules or Mr. November. I feel terrible here's what Morse (phonetic) is going to do, what to be a buffer and I said to you well you know your keeping company with the man would you give me a statement. An she says, she thought and she said yes I'll be glad to give you a statement. You understand that's what this is for, don't you understand. But if he got wind of the fact, that she's gonna testify shit he's not gonna take the stand. He's destroyed if he's cross examed on this shit.

Ostrer: He went down there today right.

November: That's what.

Ostrer: He probably gave them a statement under oath.

November: I don't think he gave it to them under oath, I don't think so.

Ostrer: He told her he's gotta be a witness.

November: Oh well that's language she don't understand, he's got to be, he don't have to be but I think he's destroyed but as you say what, you also got the other thing on him. You gave the guy the stock, the fact that he owes you money ten years ago is not relevant or you owe him money ten years don't you understand it's not relevant, you gotta keep, I've gotta stay objective in this thing. In other words as between the fact that he an because she wouldn't know about this so it's not in here out you your self said it's a matter of record he made a bundle right and he kept it didn't he. So what is he gonna testify you ought to know man to man between you, what can he testify to concerning this case. What are you concerned about they got six witnesses like that you gotta win. He's absolutely destroyed. "I'm gonna file this away in the safe and I promised to give it to her. [Pause] When the case is over. How can he

Ostrer: Make a copy of it.

November: You want a copy of it?

C-trer: Yea, I'll put it in my vault, God forbid, a thoudand times something should happen.

November: You want to keep the original.

Ostrer: No.

November: I'll give you the original.

Ostrer: No, I don't want you to go back on your word.

November: What the hell good is a photocopy.

Ostrer: It's no good.

November: Where's your vault?

Ostrer: Right in there.

November: Why don't you keep the thing, then I won't give it to her. I'll tell her we destroyed -- Who's here.

Ostrer: Just me.

November: Make a photocopy we're gonna reverse it. The other ah, I promised to give it to her here make two photocopies.

This conversation discloses Ostrer's and November's plot to blackmail, coerce and tamper with the testimony of a witness in a pending case in which Ostrer is a defendant.

Subsequently, this conversation continued as

follows:

November: Only tell Edelbaum if it comes to trial an he's gonna be a witness, there's dynamite in that thing. This guy is destroyed you see what she said he's only worried about being embarrased. She says by the way at one time they went away; the partner went along but they took separate rooms so there's no sense getting him in here is it. She said they registered over there in Europe as man and wife, because the wife didn't call him, he gave her these diamond rings. You see, this is only a skeleton of all his gifts. She says he bought her, he spent thousands of dollars.

Ostrer: I can call his partner you know.

November: Be careful, now here here you you.

Ostrer: You're playing with fire.

November: You play with fire it's dangerous here you're intimidating him, you're extorting in other words if a guy has something against me he says November you know if you don't do so and so then you commit, you can't do that. That's why I susposedly left him out. He was a party to the whore, hes married. He was a party to the shore mastery but she said he didn't take anybody. Chicago - he took her up to here everything she mentioned - a color set she said she takes em. Cause I said you got to be careful you can't make it too vivid or the people say to you, what are you a girlfriend of Mr. Ostrer, you follow me so I put in there that, it ran over you know what I mean she saw later that the man was running away with himself. He's destroyed, the jury will say he's a fuctor whore master. All Edelbaum has to bring out. I told him I'll be in court that ten years ago you had this Robinson - Paterson right they were obligations. See, she wanted to put in here. That everything you, you ever did with him it turns to shit so it was a loss. So I said I don't know about that but I do know the but you would know. But he made a big profit in he stock. Now if you had three or four witnesses like that an you got this against them they're dead. The jury - a whore haster, this guy played around with this kid for two years, he told her ah that he had another girlfriend, when his wife learned about it she wante to give him his Ireedom but he didn't care for the other one she believed him.

Ostrer: He's a legit businessman right.

November: Huh.

Ostrer: He's legit businessman.

November: Went to Europe, took her to Europe.

Ostrer: That's credicability of a witness you say.

November: Anything that tends to throw creditability, the court of appeals has ruled time and time again.

This conversation further revals the nature of the criminal scheme concocted by Ostrer and November to pervert the course of justice in Ostrer's pending trial by coercing respective presecution witness.

Subsequently, the conversation continued as follows:

November: I don't think he takes the stand, what do you think of that.

Ostrer: How do you get to him to let him know you got this.

November: Well, then in that case I guess, you see let's see what he talks to her about tomorrow.

Ostrer: Cause we got to be very very very careful.

November: Yeah she may then later on tell him listen if you're gonna take stand Aubrey you hear.

Ostrer: Yeah go ahead.

November: Then as a decent human being no matter what it could do to me I've got to show what a low skunk you are follow me.

Ostrar: Yeah go ahead.

November: He's got that and he gonna take the stand - what do you think of that. You've got dynamite here as you put it yourself. Nowwe have to talk at length here either Friday or Monday.

Ostrer: I've got to find out if they got the bill of particular.

November: About the hearing on the 28th.

This conversation discloses additional details of the Ostrer and November scheme to coerce Asbury.

November 22, 1972

Pursuant to Court Order, I overheard a conversation between Henry Brown and Louis C. Ostrer, a portion of which follows:

Ostrer: Now the only trouble is I can't sit down with the fat man. He can't be spoken to. He won't give me money cause he knows where it's going. It's a fucken.

Brown: (Inaudible).

Ostrer: If I go there he'll want 25 big ones.

Brown: The other guy.

Ostrer: If you get knocked out of the box I'm dead. I'm fucken dead without you, forget about it. Things are going bad, yesterday I was supposed to pick up 84,000 dollars, I didn't pick up a penny.

Brown: Let's get some figures straightened first you got me over a barrel I've got two people to take care of I'm just shelling out money, I had to take from the other guy I have I had to borrow a couple of thousand dollars.

Ostrer: I'll give you the whole, Henry I don't care as long as I can cover my footslips long enough to get this loan, I'll give you the whole 25 today, I don't need it.

Brown: If you give me the 25.

Ostrer: If I, I'm going to call McCann now, I spoke to him this morning. Stan Schuman needs one piece of paper I'm going to ask what the piece of paper is. I think it's a resolution.

Henry Brown was arrested on October 25,1972, and charged with the crime of criminal usury. This conversation reveals Ostrer's involvement in Brown's usurious loan activities. The conversation also reveals Anthony "Fat Tony" Salerno's involvement with Ostrer and Brown in unlawful criminal usury transactions.

Subsequently, the conversation continued as follows:

Ostrer: Number 1, I want to get them out of my hands, then
I'll be in a better bargaining position with the
people that you work for you understand. Cause they
are in certain areas my partners. This I tell you
O.K. He may tell you whatever now. Chauncey was
here, I must see this guy and he maid ah what's
happening with my stock. He said they want to take
my stock they gotta shoot me. So he said they want
to sell 50,000 shares at fifty cents a share. Hey
listen I said you owe me 70 where's my money. I

said Chauncey bring me the money and take the paper but I can't give you the paper because I was told Con (phonetic) was here, pay nobody back. So I said I gotta sit down and straighten this thing out because I mean who the fuck wants to gt involved with him now. He's liable to run downtown too you know, everybody's running all over the layout. The only problem now is I want to know what your schedule is, I can take you off the hotbox by the same token I'm gonna squeezebecause I got nobody to turn to.

Brown: You can't keep jockeying me around.

Ostrer: I know that Henry.

Brown: I got no money, I can't account to nobody I can't give em anything every week like I used too. (Inaudible) knocking me out.

This conversation reveals that in certain areas of criminal activity Ostrer is a partner of the same people for whom Brown works, namely Anthony "Fat Tony" Salerno and his criminal associates. The conversation also discloses Brown's agreement and plans to repay his criminal associates the share dut them from their criminal usury operations.

Subsequently, this conversation continued as

follows:

Ostrer: If I had that 9300 dollars I wouldn't have to (inaudible) the 25 thousand.

Brown: He'll give it to you today, maybe.

Ostrer: If he does, I'm going to give you more monay.
I'll give you more than 2800 what's the difference.

Brown: That 3600 you know. That's such a thorn in my throat.

Ostrer: The stamp dealer is making a loan for my father ...
When he makes the loan he's going to give m ...
I got the check laying here, the one you gave me.
He still hasn't redeemed it. Here, Ill show you.
Here the one I redeemed from you, see it.

Brown: Not the one you redeemed, I gave you another one after this, you know.

No, one cleared. No, you didn't give me. Ostrer:

Listen a minute. This one I gave you, you Brown:

didn't give me any money for it. The other one I

gave you, you paid me.

Ostrer: How many do you have?

I have three. Brown

Then I'm right. One cleared, one you gave me. Ostrer:

There was only give, four, five.

There was one you paid me for and the second one Brown:

I gave you, you didn't pay me. You should have two

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of them.

Ostrer: No.

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Yes. Brown:

You only had five. You have three and I have one. Ostrer:

But out of that three I gave you one, so I got Brown:

two left.

Oh, you only have two, you say. Ostrer:

Yes, two left and the one I gave you is three. Brown:

That is what you owe me the three for.

I know I owe you for three. Ostrer:

That's right, but the one that you redeemed you Brown:

got quite a while.

I think you'll find you got three of them. Ostrer:

Brown:

Ostrer: You sure?

Positive. But the one you paid me for was way Brown

back.

This is it, October 27th. Ostrer

But then I gave you one after that when I came Brown:

up here. I got it after they closed me rp.

All right, it doesn't matter anyway. I know there's four all together. He owes for four. He owes Ostrer:

you for three and me for one. That's what he owes because one cleared the bank by accident. That's

what happened.

Brown: That's five altogether. You paid me for one.

Ostrer: And you gave me five thousand on it, remember. It was six thousand dollars worth of paper. You said, I'll settle with you.

Brown: Then I got to pay for that 3600 dollars, I got to pay.

Ostrer: I'll give it to you Henry. I hope he takes ...

This conversation reveals additional details of Brown and Ostrer's involvement in a conspiracy to commit the crime of criminal usury and related crimes.

Subsequently, the conversation continued as follows:

Ostrer: I'll sond the kid over to you. Twenty eight hundred dollars I got to give you.

Brown: Yea, 2800 that means you're paying me for my two weeks. Now let me get the figures straight. You're paying me for my two weeks.

Ostrer: For the joint I'm paying you nothing.

Brown: Nothing, that's what I mean, I just said the joint, you understand.

Ostrer: I want to make a settlement with the joint.

Brown: All right, but I want you to know.

Ostrer: O.K. good enough. Did you see Ruby today?

Brown: No, I didn't see anybody today. I didn't have a chance to. So you'll send that over, ha. Then when can I expect money, when can I say anything to them.

Ostrer: Next week, Henry. I'll have the check, believe me.
I'll show it to you. I'll bring it to you.

This conversation reveals Ostrer's and Brown's concern about settling accounts with their co-conspirators in the criminal usury syndicate.

November 30, 1972

Pursuant to Court Order, I overheard the conversation between Louis C. Ostrer and Jerry Delorenzo. Ostrer counted out money to the sum of \$870 and Delorenzo told Oster that Ostrer was not making him happy. Ostrer said, "I owe you 2000 but the juice is paid up," and asked for a loan of \$50,000. The conversation continued as follows:

Catrer: Hey listen if he was around I get it in a few minutes.

Delorenzo: I don't know how I'm gonna work this. Whatdid you give me here.

Ostrer: 3870.

Delorenzo: 3870.

Ostrer: Why don't you do that.

Delorenzo: No.

Ostrer: Why what's the big deal?

Delorenzo: Your right, your right.

Ostrer: You don't want to do that.

Delorenzo: Yea sure where am I gonna get it, ah you make me laugh I ain't got it.

Ostrer: Where's the Doctor?

Delorezno: The Doctor's is the Doctor's in jail. Next week you'll straighten me out.

Ostrer: Yeah, but I'm talking to you about something else.

Delorenzo: I nin't got it, I ain't got no ways near. I ain't got nothing I'm broke myself.

Ostrer: Hey listen you ain't telling me you aint doing a bit of business, you gotta be.

Delcrenzo: Yeah but small Lou, that what it's small for me, I swear to God.

Ostrer: Why don't you bring it up to the fifty dollars and give me the balance what the fuck I don't understand you people you know that.

Delorenzo: Yeah.

Ostrer: There ain't nobody better in the world than me, Delorenzo: I never knocked you.

Ostrer: So.

Delorenzo: Right now I ain't got it. I keep telling ya and you don't want to believe me. This took a lot away fromme, I'm serious. Why don't you (Inaudible) the others.

Ostrer: Originally it was 35. I gave you 25 on it okay, you gave me the 175 and then I make up with you to give you back ah, ah, 20,000 in January, that's all.

Delorenzo: I ain't got it right now.

Ostrer: You mean you don't wanna have it right now.

Delorenger I swear I, I, I ain't kidding you, I haven't got it.

Ostre:: It's important. I'm going into the holiday season it's very important.

Delorenso: For you to ask me I know it's important but I ain't got it right now, I'm serious.

Ostrer: You give me 17-5 somes January I'll give you back 5 a week till it goes down to 25 you know I can do it. What's the big deal.

Delorenzo: I know you can do it, but I ain't got it I haven't got it. If I had it I'd give it to you. I ain't, I just took a, look I'm telling ya this took Lou I'm telling you this took most, what ever we had, took it all away. You won't believe me, plan I've got guys bookmaking.

Ostrer: (Inaudible).

Delorenzo: 10 - 8 still waiting I ain't got, I'm waiting Listen next week you'll straighten me out.

Oster: foa I want you to give me.

Delorenzo: I hope you ain't, I ain't got the 17-5 I ain't got it.

Ostrer: You got 20 times it.

Delorenzo: Yea I know.

Ostrer: Yea believe me.

Delorenzo: All right you go, I'm serious I ain't got it.

If I know, what's the big deal you make me laugh
if I had it, what's the big deal, you gonna leave
me.

Ostrer: No.

Delorenzo: So ha ha.

Ostrer: I ain't going no where.

Delorenzo: So that's what I mean, T know ah my opinion of you, but forget about it. There's no doubt in my mind but I ain't got it. An the few little bet that I got I gotta keep for this. See like this here, I had to wait and all.

Ostrer: Why don't you go out and buy it.

Delorenzo: (Inaudible) Come on.

Ostrer: You could, you could you could get it at a point.

Delorenzo: I don't get involved, I don't get involved with (inaudible) you know what I mean. Listen if something comes up, I see my way. I'll get it for you otherwise Louie as it stands now no way cause I got too much, there's a guy I gotta get.

Ostrer: If I make a deal listen carefully, I'm telling you before, if I make a deal with you I'll give you a nickel a week for 5 weeks. You ought to sleep on it, I'm just telling you because I know where it's coming from, you don't. See. We got God knows how much. She's depositing a stack of checks from Historical Philidellic, the moneys rolling in. I don't want to touch that money till after the first of the year. I don't want to pay no tax on that fucken shit. Here I'll show you something.

(Apparently showing some type record to Jerry) saying look - here's another one (repeated several times)

Osber: Now you know what the money's worth to me. If I says to the company heh give n.s a hundred lage now, I gotta give Uncle Sam 40 of it, to me that 40 is (inaudible).

Delorenzo: Listen if something comes up I give it to ya otherwise I'll see ya next week.

Ostrer: I'll talk to you on Saturday and I'll press you to ask Danny.

Delorenzo: You're going away.

Ostrer: I'm going to Fla. I'll be back tomorrow, but I want you to extend yourself, don't laugh Imtelling you if you asked me to do something for you I'd do it.

Delorengo: Don

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Don know that when I got it, you got it.

If I a.n't, I ain't, I'm not lying to you. I
got a guy in Brooklyn, out of business. I got
another guy \$100. a week. You know what that
amounts to. If I had that now, I give it to
you in two seconds. The other guy whatever that
is there I can't even go near it forget about
it. Believe me when I tell you if I could, you
tell me January, I'd go grab it and bring it back,
what's the big deal.

This conversation reveals the fact that Jerry
Delorenzo has loaned money to Louis Ostrer at usurious rates
of interest. The conversation further discloses Ostrer's
attempt to secure an additional loan from Delorenzo. Jerry
Delorenzo is a brother of Anthony "Hickey" Delorenzo and the
nephew of Matter Delorenzo, both notorious racketeers.
Anthony "Hickey" Delorenzo recently escaped from federal
prison, and Jerry Delorenzo is reputed to have ownseen
Anthony "Hickey" Delorenzo's criminal interests at Kennedy
International Airport during the latter's incarceration.

December 5, 1972

Pursuant to court order, I overheard a conversation among Louis C. Ostrer, Jerry Delorenzo and Philly Tartaglia. Ostrer tells the others about a pending deal involving the Iron Workers Union in Miami, Florida, from which is receiving a 95% commission by giving certain union officials an affidavit which states that there is no commission charged. When asked how, in the face of the affidavit, he will get the 95% commission, Ostrer replied "we're going to backdoor it."

Delorenzo:

Don't I know that when I got it, you got it.

If I ain't, I ain't, I'm not lying to you. I

got a guy in Brooklyn, out of business. I got
another guy \$100. a week. You know what that
amounts to. If I had that now, I give it to
you in two seconds. The other guy whatever that
is there I can't even go near it forget about
it. Believe me when I tell you if I could, you
tell me January, I'd go grab it and bring it back,
what's the big deal.

This conversation reveals the fact that Jerry
Delorenzo has loaned money to Louis Ostrer at usurious rates
of interest. The conversation further discloses Ostrer's
attempt to secure an additional loan from Delorenzo. Jerry
Delorenzo is a brother of Anthony "Hickey" Delorenzo and the
nephew of Matteo Delorenzo, both notorious racketeers.
Anthony "Hickey" Delorenzo recently escaped from federal
prison, and Jerry Delorenzo is reputed to have ownseen
Anthony "Hickey" Delorenzo's criminal interests at Kennedy
International Airport during the latter's incarceration.

December 5, 1972

Pursuant to court order, I overheard a conversation among Louis C. Ostrer, Jerry Delorenzo and Philly Tartaglia. Ostrer tells the others about a pending deal involving the Iron Workers Union in Miami, Florida, from which he is receiving a 95% commission by giving certain union officials an affidavit which states that there is no commission charged. When asked how, in the face of the affidavit, he will get the 95% commission, Ostrer replied "we'me going to backdoor it."

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This conversation reveals that Ostrer is involved in a scheme to commit grand larceny by stealing money from a labor union by falsifying expenses allegedly incurred in establishing the union's health and welfare fund. Ostrer by participating in these activities with unions and their insurance plans is doing so unlawfully since his license to operate in the Insurance industry has been revoked.

Tartaglia has an extensive criminal record including felonious assault on a police officer and robbery and is presently under indictment in New York County for possession of a dangerous weapon and according to the FBI is engaged in extensive loansharking activities.

Subsequently, the parties continued to converse as follows:

Delorenzo: This other fucking cocksucker John, this kid, this fucking, what the fuck is his name, Carmine Lombardozi's nephew, he comes here, everybody comes to attention.

Tartaglia: What does he come here for? He comes here now for money, this guy?

Ostrer Yeah, I owe \$32,000.

Tartaglia: Old money? Since when are you paying him now, this money? (Inaudible) How much you paying him?

urm

Ostrer: Six-fifty.

Tartaglia: A week, knocked down?

Ostrer: What do you mean, knocked down? What's a knock down?

Tartaglia: Comes off the thirty-two?

Delorenzo: Six-fifty vig you're giving him?

Ostrer: Yeah.

Tartaglia: Six-fifty vig on thirty thousand?

Ostrer: Thirty-two five.

This conversation discloses Ostrer's relationship with a criminal usury enterprise operated by Carmine

Lombardozi's nephew. The term "vig" is an underworld code word used to denote a usurious rate or payment of interest.

Subsequently, the conversation continues as follows:

Delorenzo: I want you to give me \$10,000 and I want you

to reduce the loan \$2,000 a week.

Tartaglia: We never put you in a corner. This Dave, we got to take care of because he's got obligations.

In other words Louie, to give you simple language, he's got obligations, he comes here for the obligations. Understand? So now we're getting fucked both ways cause you don't pay him, we got to give him the extra money on top of it, to the obligation which you got nothing to do with, right? So what the fuck, we can't write everything out, so we look in to cover these obligations, plus the one ten with you. You understand what I'm saying? You know better than us what's happening. You know, you keep backing away from everything, not that you do it intentionally, but curcumstances or whatever. I mean Louie look you go into alot of enterprises. We hope you make a million dollars, but we got no bearing on the enterprises you go into. Ten thousand here five thousand there, twenty thousand there, grab this, grab that, you know that's got no bearing on us.

Ostrer: Yeah.

This conversation reveals part of the extent of Ostrer's involvement in criminal usury activities with "Dave" and also to Delorenzo and Tartaglia.

Subsequently, the parties continued to converse

as f

Tartaglia: How much do you owe this gay? You owe them how

much?

Ostrer: Who?

Tartaglia: This Tony. Fuck Ruby, they're all one figure.

So what you owe the three of them is one thing now. They took this Henry Brown, they put him on you, right? They took this Ruby, he combined everything plus what you're (inaudible) so the three of them is one. Right? What & you owe

them in gross?

Ostrer: You put all three of them together.

Tartaglia: Well, that's what you got to put together.

Ostrer: You can't put Brownie in there.

Tartaglia: Why? They told you now the guy's our partner?

Delorenzo: Not with Brownie (Inaudible).

Tartag? (Well, how much is Brownie?

Ostrer: A million dollars, forget about Brownie.

lartaglia: Not in old money. I'm talking about the new

money.

Ostrer: It must be over a hundred thousand with Brownie.

Tartaglia: Okay, what are the other two guys? That's one,

right? A hundred and fifty?

Ostrer: No, it's ah.

Tartaglia: You still giving him two thousand a week? (pause)

Juice? Weren't yougiving him two thousand a week and knocking it down? You had it for what eighty thousand or something?

Ostrer: Forty-two thousand.

Tartaglia: Forty-two, how could it be forty-two?

Ostrer: Yeah, Fat Tony it's just forty-two thousand.

point and a half a month on forty-two thousand.

Tartaglia: Yeah, yeah. You're down to forty-two you're paying him how much, two thousand a week.

Ostrer: I stopped ten weeks ago.

This conversation reveals Ostrer, Tartaglia and Delorenzo's involvement in criminal usury activities. It turther discloses Anthony "Fat Tony" Salerno's, Charles "Ruby" Stein's and Henry Brown's involvement in the said criminal usury activity and the fact that Salerno, Stein and Brown are all part of the same organization. The conversation turther discloses the extent of Ostrer's indebtedness to the Salerno criminal usury organization.

December 7, 1972

Pursuant to court order, I overheard the following conversation between Louis C. Ostrer and "John" a portion of which follows:

ohn: It ain't going help me, it ain't going do nothing for me, I swear to Christ you don't know (inaudible) started. Do you think I would have called you up Monday.

ostrer: Do you want to listen to me, you leave it here, okay, it's going to get fuckin disintegrated okay. Next Wednesday or Thursday you'll pick it up. I got to pick up a check for 360. The President happens to be in Atlanta. I had to reach out fer this money. I told you that. Just went over to Ruby. Ruby says give me 5000. I begged him.

ohn: I asked you since Monday. Do me a favor.

ostrer: You're not listening.

John: Nobody's got more borrowing power than you.

Ostrer: You want to listen to. I asked you for money last

John: Yeah sure.

Ostrer: Jerry's Uncle Marty was supposed to bring money up here last night, he got pinched last night.

Jerry Dilorenzo's Uncle I don't know if you know him. The old man. Got pinched last night. I just saw Ruby. Ruby took me over to the check-cashing. Okayed 5,000. What's the matter with you?

John: Come on now you talk like it's nothing. Please don't make it a long drawn out affair. I'm in a trap, with this money.

Ostrer: Why was it drawn out?

John: Come on, you promised me, you promised me, stop it. (Pause, with sound of phone being dialed in background). You put me in a trap with this, I'm telling you Jesus Christ Almighty.

Ostrer: I believe you, I wish.

John: I called you Monday, I said, Do me a favor. Thanks for the favor.

Ostrer: I went out and did you a favor, you don't understand that.

John: You did me a favor?

Ostrer: You're not listening to me. If I had it myself, I'd give it to you all. What's the difference? I got to pay it all anyway, don't I? What's the difference if I pay it today or tomorrow or Monday, what difference does it make?

John: It's a difference to me.

Ostrer: I know, but I'm jammed up now. Something happened.

John: You tell me that every week. (On telephone: I just want to tell you, I come up here, he's got five grand, told him keep it. What am I going to do with five?)

Ostrer: Let me talk to him.

John: I mean, he don't care, this guy. I'm telling (on phone) you, I call him Monday, do me a favor, go get it

now, he tries he says.

Ostrer: Let me talk to him.

John: That's what he must think, he thinks that's (on phone) where it's going in our pockets.

Ostrer: Nah, I know better.

John: Ah, you know, that's right you're supposed to

know better.

Ostrer: I know better.

John: You're supposed to know better.

Ostrer: I know better, I know it ain't going in your

pocket.

John: What's the rest on Louie. I don't even want to

(on phone) take this.

*

Ostrer: I'm telling you. Let me talk to him.

Ostrer: Danny, next Wednesday I'll have it over to you.

(on phone) I know you got a problem. Danny.

This conversation reveals that John is at Ostrer's office to collect a payment on a usurious loan and Ostrer offers \$5,000, but John refuses to accept so small a sum.

The conversation further reveals that John reports this to "Danny" on the telephone.

December 6, 1972

Louis Ostrer, Jerry Delorenzo, Philly Tartaglia were overheard in conversation as follows:

the O.K. to sell off Chauncey's stock through Frankie. The next day Ruby said that "I was not to do it now." Owner tells Corry and Philly that he's going to get 95% commission on the Fla. union deal and that the records will show as getting nothing.

This conversation relates to thefts from the unions as well as their dealings in allegedly stolen securities. "Frankie" is Frank Ballente, a criminal with a long police record, the bodyguard of Anthony "Fat Tony" Salerno.

On December 20, 1972, I am informed by Ptl.James
Maguire that he overheard a conversation between Ostrer
and Delorenze relating to a "contract to assault and murder
another as follows:

Delorenzo tells Ostrer he has a check for \$10,000.

Delorenzo states he obtained the check from others to assault or moder another. Delorenzo states "Give a couple of kids 500 and they can go and get this guy and they can break his fuckin head in two. Then I can tell him, what do you want, the guy got a piece for \$10,000. You want them to finish, you want them to go all the way. Bring more money right."

Ostrer and Delorenzo discuss arrangements to cash the check and otherwise assault and murder the victim.

This conversation relates to organized criminal elements obtaining a "contract" to assault and kill for hire.

PURSUANT TO COURT ORDER, I AND BELOW DETECTIVE HAVE OVERHEARD THE FOLLOWING, OCCURRING OVER THE AFORECAPTIONED TELEPHONE LINES. MOVEMBER 27, 1972.

Fursuant to Court Order, I overheard a telephone conversation between LOUIS C. OSTRER and SUZY, a portion of which now follows:

Ostrer Lou - Yea

Sue - I told him not to. He called me anyway. He called the office. I told him not to call the office.

Ostrer Lou - Well, he told Seymour he wants to talk to me.

Sue - Yea

Ostrer Lou - I said to Seymour, I don't want to talk to him.

Sue - Why'd you say this

Ostrer Lou - Nothing. He could be all wired up. You know what I

Sue - Yea

Ostrer . Lou - That bastard

Sue - How's everything in the office

Ostrer Lou - OK honey, alright

Sue - You didn't see me Friday Louis

Ostrer Lou - Ah I'll see ya tomorrow

Sue - You know ah

Ostrer Lou - What babe

Sue - If the phone is taped ----- Screw you whose ever on here

Ostrer Lou - Yea

Sue - OK I'm not talking about anything personal anyway.

Friday when I got paid I thought maybe it was from you. I said look Seymour I think you paid me wrong.

Ostrer Lou - What did he give ya

Sue - I get \$104 dollars

Ostrer Lou - What did he give ya .

Sue - He gave me \$110

Ostrer

Lou - Yea

Sue - This is an axtra six dollars from me

Ostrer

Lou - OK

Sue - I thanked him very much

Ostrer

Lou - Alright babe

This conversation reveals that Ostrer and his co-conspirators have approached Morse Aubury concerning his prospective testimony and that the conspirators are concerned that he might have reported the approach to the authorities. The conversation also discloses that Suzy's salary has been increased as compensation for her part in Ostrer's scheme to coerce Aubury.

November 30, 1972

Pursuant to Court Order, I overheard a telephone conversation between LOUIS C. OSTRER and MURRAY GELLER, a portion of which follows:

Ostrer L I'll will it out and give it to you. I'm going down.

Geller M I can't worry about the blinky kid.

Ostrer L I know what you mean.

Geller M Because I'n hurting. My friend was in just now.

Ostere L Who?

Geller M My friend.

L Who's that, Sam

M Yea, and he blew his stack

L I don't blame him.

M He blew his fuckin stack. He said, listen, we gotta straighten this out right away. He says no more of this nonsence, let's straighten this thing right away. He's sending his brother, Danny in to stay with me, here.

L Into where?

Into here. He says we gotta straighten this out right away. I said tomorrow I'm straightening out everything. He said, good. I'll be back in Monday and we'll straighten this thing out

L O.K.

(cont) M And he also bared Blinky

L1066 L He did

1083 M Yea

Ostrer L I don't blame him

Geller M He said get the fuck out, and don't come back.

Ostrer L He said that to him

Geller M Yea. He said get the fuck out, because if you don't I'm going up there and I'm gonna raise hell uptown. He says you decided to stay on the Avenue, go stay on the Avenue there. He says, you're a friend of mine, socially, we sit down and have a drink. But stay the fuck out, I don't want to tell you again. So he took off. Cause he said I don't want to have to go to the other guy and start any rumble. You know he's wild already.

L Who is

M Sam

L I don't blame him

M I don't blame him either

L Listen, he'll burn you up, don't you understand

M Yea, I don't blame him

(cont) L He'll burn you up. You'll wind up with a raid. What are you kidding.

1083 M And he said to me as far as the other thing, I'll straighten the other thing out.

Ostrer L Listen to me, let me give you the check for the check for the check for the two thousand. Just put it in, don't worry about it.

Geller M Let it go, already. I'll see you tomorrow. Are you going to be back early, tomorrow?

L Lou says he doesn't know

M Now if you're going to do anything with the other guy with cash let me know, notify me in advance so I can draw some out.

L I'm going to call you.

M When will you be down in Florida?

I'm leaving in a couple of hours.

This conversation reveals that "Sam" is Geller's superior in usurious loan activities, and that "Sam" has barred Blinky - believed to be Charles "Ruby" Stein - from Geller's office. The conversation also discloses that "Sam" is sending his brother "Danny to Geller's office to oversee Geller's operation. The conversation also reveals Ostrer's involvement in Geller's usurious loan activities and Ostrer's and Geller's concern about Geller's office being raided by the authorities.

December 1, 1972

Pursuant to Court Order, I overheard a telephone conversation over line 689-6854 between William Kilroy and Murray Geller, a portion of which follows:

Kilroy B What's doing over there? You got any money?

Geller M Yea.

Kilroy B Have you?

Geller M Yea.

- B Can I have some?
- M What are you going to give me for it?
- B What am I going to give you for it. Between you and I, I'm not going to give you something you can put in today
- M I can't give you any money then because I can't draw anything out. When is he coming back?
- B He will be back tonight. But I need payroll today.
- M Well
- B Do you have to put it in today, if I give it to you?
- M It's not puting it in. I haven't been able to draw anything I gave him 2,000, he wanted to give me a check for it. He said hold it for tomorrow. I can't draw at the bank anymore.
- (cont) M I don't even have that much here.
- L660 B You don't even have that much there.
- 692 M No. I'm sitting here with a couple thousand waiting for 3 o'clock to roll around. I called the office a short time ago.
 - B Who did you ask for? You didn't ask for me.
 - M I asked for, they said they'll be back maybe Monday. That's what I was told.
 - B No, he'll be back tonight. But my problem is, he can't do anything from where he's at. He's down under, if you know where I am. He's getting what he has to get there, O.K. But I would say, I can give it to you and put it in. But I don't want to say that to you and have him not get what he's going to get Monday to cover. You know what I'm talking about? I would rather you put it in Monday.
 - M I thought he was coming back with alot of checks.
 - B He is. He is. Over a big one.
 - My Yea, but he's got that promised out.
 - B No, no, you don't understand. He's got more than that coming in against that from the carrier.

- (cont) B
- My problem is, I don't know if I'm going to have it to cover this bank by Monday. That's the problem. And I can't cover there the same day. If I could give you 5 and you put it in on Monday, I don't forsee a problem. But my problem is, I've got nowhere to go for payroll.
- M Where is Louie now?
- B He's with these guys. That's why he can't call you. That's why I'm calling you. He just got of the phone with me. He can't call you from where he's at. He's opening the account and getting the hunks (PH). Now can you swing a nickel for me?
- M I don't think so. I got about 22, 23 hundred here in singles.
 I don't have it.
- B Well, I could give you. In other words, if I needed more you could drew it. See if I gave you 25 to put in today, I couldn't. Would you put 25 in today and hold 25 till Monday?
- M On whom? Who's check on?
- B Dina Gellman
- M Oh, fuck her. Her check never went through in her lifetime. This is an out and out burglary.
- B What you're doing is your lending it to me until next week, that's what you're doing.
- M Where's Seymour
- B He's on the other phone. You want to talk to him?
- M Yea, because I don't know what Lou is doing and what he's not doing.
- What you're doing is you're lending us the money until next week. That's what you're doing, O.K. I just don't want you to not have anything for it. Now you want to talk to Seymour, I'll put him on, but that's basically what you're doing.
- M What's he coming back with?
- B Alot, O.K. That's what he's coming back with. Alright I'll right you a letter.
- M Because this guy has got more tricks than anything. He took the 200. He brings it back the next morning, then he wants to g me a check.
- B So what did you do with it? You didn't get the money?
- M What am I going to do with his checks?

This conversation reveals Kilroy's involvement in usurious loan activities with others.

Subsequent, I overheard a telephone conversation over 689-6854 between Seymour Greenfield and Murray Geller, a pertion of which follows:

S | What's the problem?

M No problem.

S There's no money. No problem. No money.

M Why should there be a problem

S That's what I say

M Where did Louie run away. Didn't he leave payroll for you people?

S= He got alot of confidence in me.

M ... Is he coming back with money?

Yes, we just spoke to him. Just before he called you, he spoke to him, and I was on the phone. He said, Bill asked him, I don't ask him anything on the telephone. I don't talk on telephones. But he asked him. He said he's at the bank now, they're opening the account up. And they're going to the lawyer to get the authorization to get the premium. That's it. He comes back with this. He goes to Jersey. I'm supposed to go to the bank and get that piece of business. And that's the way it is.

M When will he have the money, I nday?

(cont)S Which money, from Jersey?

L693 M I don't know from where

725 S Impossible Monday. I don't care what he told you.

M Isn't he coming back with money from Florida?

Today. But he has to first go out to Jersey Monday. And the bank isn't going to... they'll give it Tuesday or Wednesday.

M Oh, then he won't have money Monday.

S No, I don't think so.

M What is he telling me, ne's coming back with big checks from Florida.

Well, that's for the company. You have to give that to the company. We can't use that, that's premiums, silly. That goes to the insurance company and they give us commission.

Oh, so he won't have it until later in the week.

No, not later in the week, Tuesday or Wednesday. We'll get money Tuesday, no question about it. We'll get an advance Tuesday.

M : Substantial?

12

S ::

S

A decent amount of money. Then the bank will give us the rest Tuesday or Wednesday.

- M | Because he's talking like in, ah
- (cont) S Six figures.
 - M | Six figures.
 - But that won't be Monday, no way it could be Monday. It could be Tuesday, or Wednesday.....
 - M If I get your payroll, when do I get it back?
 - S What did you tell him, Bill. He's going to give you a check...
 - M . I don't want Dina Gellman's check ...
 - M How about your checks
 - S My checks?
 - M Yea, your company checks.
 - S If that's what you want.
 - M Will it go through?
 - S Will you put it in Monday?
 - M You don't want it to go in today?
 - S No
 - M Which one is yours on, Fringe?
 - S Viscount
 - M Alright, send him over with a check on that and I'll put it in Monday.
 - S O.K. Five, right
 - M Yea, but don't forget the fee
 - S I'll add it on
 - M Add it on
- (cont) S Good enough alright
 - M Alright?
 - S. O.K.
 - M: But listen, I'm depending on you
 - S I know
 - M And also, tell Bill and yourself, when he comes in with the checks, I expect to be notified. Because Bill signed for some paper here that never went through yet.
 - S Oh, that's nice. They don't tell me...

M And you remind Lou, when you speak to him again, that the ball game may be crooked, but it, s the only game in town.

S | Laughter. That's where you play.

And tell him, if he wants a guy sitting on his fuckin lap, I got the guy that weighs 340 that will sit on his lap while he's answering the telephone. And every time he trys to sit up, the guy will press down harder. Alright send him over fast. I have to give you alot of singles.

I need it for payroll, it doesn't matter.

1900 Plant close.

M

This conversation discloses Seymour Greenfield's involvement in criminal usury activities with others.

December 6, 1972

I am informed by officer James Maguire that pursuant to Court Order, he overheard the following telephone conversation between Louis C. Ostrer and Eurray Geller, a portion of which follows:

Ostrer

Lou - I'm sending Kilroy over to you now and I want you to give him whatever you could and I'm going to let him show you these checks that I got yesterday. I think tomorrow or Friday I'll have the big bulk. Do you have any extra money at all?

Geller

Murray - Listen, I gave him payroll Friday.

Ostrer

Lou - I didn't even know about it....

Geller

Murray - You still owe me 2 thousand dollars.

Ostrer.

Lou - I owe you 12 and 2.

Geller

Murray - 12 and 2 plus all the others.

Ostrer

Lou - I want to send Kilroy over to you. Can you give him the whole balance there.

Geller

Murray - You need all of it?

Ostrer

Lou - I could use more than that. Let me get Kilroy over to you, first. And then he'll call me when he gets there.

This conversation reveals Louis C. Ostrer's involvement in criminal usury activities with others.

I am informed by officer James Mcguire that subsequently on this sate, Ostrer and Geller again conversed on the telephone and were later joined by William Kilroy ans follows:

- M I deposited a check on Monday for 5050 on Viscount.
- Ostrer L Seymour took care of it.
- Geller M How little do you need?
 - L I'm trying to get more from our friend. He's going to be there soon.
 - M He's barred from here. I told him yesterday. He brings all the cowpoys with him. Wherever he goes, there's five guys trailing him.
 - L Give him the whole thing if you can. See what he showed you? It should be tomorrow or Friday. I turned over to the company 260.
 - M I'd like to give you twenty thousand, two hundred dollars, get back my two thousand to work with.
 - L I'll be jamed up.
 - M If you can't, you can't
 - L Give him the whole thing and I'll get back to you within an hour. I got a couple of pieces I'll send over to you.
 - M . I'm going to take off the three hundred.
 - L That you're entitled to.
 - (cont) M I'll give him twenty two, two?
- L769 L Yea. Let me talk to Billy.
- Kilroy B Yea.
- Ostrer L Billy, wait there for cockeye. He's going to be there soon. And oring him back here so you'll save going over to H.B.'s.
- Kilroy B Take him from here, there.
 - Yea, he wants a ride. So you'll drive him over here so I won't have to leave. I got a million things to do.
 - B Alright, just take what he's got here and wait for the other guy.
 - He's giving you twenty two, two. And you won't have to take care of it. I'll take care of it when he gets back here. In the meantime, I think I ought to call up Anthony.
 - B It would be a good idea, yea.

This conversation reveals that Charles Ruby
Stein has been barred from Geller's usurious loan agency
because he deaws the attention of the Authorities wherever
he goes. The conversation also discloses Ostrer and Geller's
involvement in usurious lending activities.

December 7, 1972

Pursuant to Court Order, I overheard over line 689-6854 a telephone conversation between Louis C. Ostrer and Danny and John, a portion of which follows:

Danny We don't know where to turn anymore we must pay these people, we're up against the wall.

Ostrer Danny

Danny We're up against the wall.

Ostrer I wish I were in front of you instead of behind you but the idea, it's not only me.

Danny I know what you talking about.

Ostrer I understand so the guy

Danny Believe me I tell ya

Ostrer He called me Monday, said I'll try to have it all right this guy, so this guys uncle got mailed last nite, got pinched okay.

Danny Right

Danny

Ostrer See I don't tell him a story, you can check.

Danny I know Louie, we just can't tell anybody, we can't, tell stories, in other words its gonna show up on us later on, this, we got such a headache believe me.

Ostrer I don't I said take the fuckin nickel.

Danny (inaudible) You have one, you know what I mean, I follow you believe me, I know your moving, I know your sitting with it.

Danny Moving aint the word Jesus Christ forget about it, it's not just you, I not saying your moving its everybody, you know what I'm talking about believe my.

Ostrer I know, I know your operation.

You see why I'm (inaudible) there, I wouldn't be needed there if I wasn't, everything in my kick, I'm there to move all this, that's what I'm there for so forget about it, these guys gotta get paid, I don't want to stall them 3 seconds because I go on the top of the house when I want my money there you know what I mean, but I can't scheme if I don't do the right thing by them --- this is the thing. Alright Lou give him that 5, now then Monday please don't

Ostrer

Monday no, it's got to be Tuesday.

Danny

Don't drag it.

Ostrer

I'm not gonna drag it, make it Tuesday

Danny

Tuesday

Ostrer

I'll have it for him Tuesday.

Danny

Alright very good, put him back on.

Ostrer

Let me get him for ya

John

Hello

Danny

Yea, this is a problem (inaudible) over here I called all over for 'em, they called me up, I said I'm 'Normans' (P) son

Male

Who called

Danny

The F.B.I.

Male

Oh

Danny

At the store

Danny

I went there figured the wife was there, to help them out I just, I reached 'em and I got the bail bond, that's why I said AL, I thought it was the bail bands man.

Male

Yea

Danny

I said what was my father arrested for, he said Title 18 1341 & 1342, I said well that's a lot of help.

Conversation goes social

1830

Plant closed

This conversation reveals that Ostrer intended to borrow money from Jerry Delorenzo in order to make payment in his outstanding indebtedness to Danny and John, representatives of the John and Carmine Longardozzi Organization. The conversation also reveals how the arrest of Jerry Delorenzo's uncle Matteo Delorenzo affected this plan. The conversation discloses Ostrer, John and Denny's involvement in usurious loan activities.

December 13, 1972

I am informed by Officer James Mcguire that pursuant to Court Order he overheard a telephone conversation between Jerry Delorenzo and Louis C. Ostrer a portion of which follows:

Jerry

Hello

Ostrer

Hi ya

Jerry

How are ya

Ostrer

Alright

Ostrer

There's a dime there for ya

Jerry

Yea

Ostrer

O.K., I'll explain the rest to you later, I'm ah at Adelbaums office now.

Jerry

Yea

Ostrer

I should be back around six then I got to get ready to leave on a place, I'm going to Florida

Jerry

Uh huh

Ostrer

I'll be back tomorrow nite.

Jerry

Back tomorrow nite

Ostrer

Yea

Male

Hello

Ostrer

Hello, I'm on with Jerry, got off Greenfield so you got a dime there and I'll make arrangements tomorrow to give Bobby that 12 dollars.

Jerry

Yeah

Ostrer

Not the 12 large, the 12 dollars.

Jerry

Yeah the (inaudible) and a half

Ostrer

The rest I'll probable give you Monday. I'll explain to you, some of it had to go into the ah where it had to go O.K.

Jerry

Alright

Ostrer

The rest is in my pocket which I got to take with me.

Jerry

O.K.

Ostrer

So at least you got that, you know what I mean.

This conversation reveals that "a dime", a code word for \$10,000, is in Ostrer's office as a payment for Jerry Delorenzo as a loan made to Ostrer. The conversation also discloses that Ostrer will arrange to give Bobby Kinsel, an associate of Deloranzo, \$1200 as a collected loan payment.

Telephone lines MU9-6380, MU9-6381, MU9-6382, MU9-6383; line R-91 are in effect extensions of each other. and auxillary

They ring when one or several are occupied. It is therefore not possible to specify which thone number will be or were used due to automatic switching by telephone company equipment. Ostrer's private line 689-6854 is often used by him to dial outgoing calls and discuss criminal activities.

The following are some of the observations I and fellow detectives have made, where possible, of some of the subjects of this investigation.

December 5, 1972

I observed Kilroy, Greenfield and Ostrer in front of the offices of Merit Commercial Corp. at 575 7th Avenue, New York County, conversing on the street. Kilroy and Greenfield then went to a bank, talked to a bank official, passed papers, whereupon Greenfield went to a teller's window, papers were passed, then Greenfield re-joined the others.

I observed Philly Tartaglia and Morris Molinsky leaving the premises of 377 Fifth Avenue immediately after Tartaglia participated in a conversation with Louis C.Ostrer which I overheard and which is incorporated herein.

Molinsky pointed at me and subsequently he and Tartaglia approached me. Tartaglia asked me what I was doing at that location, told me that Molinsky said he saw me in court last week, and made additional inquiries of me.

This is an illustration of the extreme danger involved in using routine police methods. It illustrates the conscious awareness of the persons involved in this investigation to police techniques which make the requested electronic surveillance necessary if evidence sufficient to prosecute these persons is to be obtained.

December 13, 1972

I observed Charles "Ruby" Stein, William Kilroy,
Louis Ostrer, Seymour Greenfield and others meet in a bank
after banking hours, converse and pass papers back and forth.
Charles "Ruby" Stein and another left the bank, entered
Ostrer's car and departed. Greenfield, Ostrer, Kilroy and
others left the bank and conversed on the street.

December 19, 1972

I observed Jerry Delorenzo leaving the offices of Louis C. Ostrer at 377 Fifth Avenue, New York County.

Evidence obtained from conversations recorded and observations made has indicated that Ostrer and the others arrange meetings in the aforedescribed premises for late evening sessions. The purpose of these meetings is to discuss their criminal plans. Since these meetings would continue past 9 P.M. and since the telephones in question are used any time the subjects are present in the said premises, request is hereby made to enlarge the hours of interception of the said oral and telephonic communications to include the period between 7 A.M. and 1 A.M. Monday through Saturday.

The information acquired to date has mt, in my opinion, enabled us to acquire sufficient evidence against Ostrer, Kilroy, Greenfield, Salerno, "John", Tanny", Philly Tartaglia, Jerry Delorenzo or their criminal accomplices and confederates to prosecute them, nor has it enabled us to identify and prosecute all of the co-conspirators who are behind Ostrer and the others. There are reasonable grounds to believe that this rerewal and amendment should accomplish these objectives.

Surveillance and routine methods of investigation of Ostrer, Greenfield and Kilroy have not enabled us to obtain evidence necessary to convict them, nor has it enabled us to identify and obtain evidence against other conspirators who meet and communicate and participate in criminal activities with Ostrer, Greenfield, Kilroy and their accomplices

such as Anthony "Fat Tony" Salerno, Jerry Delorenzo, "John", "Danny", Tartaglia and others. Routine police investigative methods have not revealed the inner workings of the conspiracy and, because of the guarded nature of Ostrer, Kilroy, Salerno, Delorenzo, Danny, John, Tartaglia, Greenfield and "others" transactions. It has been difficult and dangerous to employ routine evidence gathering techniques. This instant electronic surveillance renewal and amendment request is imperative because of the secretive, guarded and clandestine activities of these persons and the imperative meessity gather evidence sufficient to successfully prosecute them.

Sworn to before me this

22 day of December, 1972.

Notary Public, State of New York
No. 03 - 22-10625
Qualtillad in Bronk County
artificate + Mad in New York County
commission Expires March 30, 1973

SUPREME COURT OF THE STATE OF NEW YORK COUNTY OF NEW YORK

In the Matter

of

The interception of certain oral and telephonic communications . . .

WARRANT & AFFIDAVITS

TAPE 3819 FOOTAGE 137

CONVERSATION BETWEEN LOUIS OSTRER AND UNKNOWN MALES.

71

OSTRER:

. . . If I wanted to go to the D.A. O.K., I

would have to stand on trial, alright? The

D. A., you know what the D.A. wanted me to do?

UNKNOWN MALE: What?

OSTRER:

٠

To frame people.

UNKNOWN MALE: Is that so? (INAUDIBLE),

OSTRER:

He wanted me to say that somebody told me to

buy it. O.K. She is a liar. Yeah, Hellerman

told me to buy it. What is the crime if I said

to you go out and buy American Services, that's

a crime? No. I tell you to go buy it, it's

going down.

(INAUDIBLE).

OSTRER:

I'm not shitting you. When did I buy that? You don't know what it is to talk on the telephone to a broad and worry about it being tapped. You, you, you don't know what it is Q.f. to be told that you are being tailed. I want to fuck around too, like you do, huk. I think I'm burning up everybody I know. So I got to go (INAUDIBLE).

The F.B.I. I can use it as a tool against you (INAUDIBLE),

UNKNOWN MALE: (INAUDIBLE)

TAPE 3819 FOOTAGE 0263

LBP: rm n-1.599 72

Ostrer: . . . I have five weeks to prepare for trial. Christmas to New Work, forget about it, a body works. You have one week that you lose, Thanksgiving week. I got four weeks left. Bearing that in mind and going on the assumption that I was your worst enemy, I feel that you owe it to your moral ethics to provide me the information am seeking without having me to go through a subpoena. So he says to me, well, I m as well tell you that you won't have to subpoena me because the U. S. Attorney has requested me to come down tomorrow. I said, did they give you a subpoena? He said Why are they asking you to come down? You've already appeared before the grand jury and told them what you know. I said you've already made all the information available to them that you had. You brought them a copy of the agreement that we had, you know for the \$30,000. Why are you suddenly having to go down? Let me unders thing Aubrey, if the Government, first of all I don't think you should go down without a lawyer, okay? So he says I don't need a lawyer. Second, of all you must always be wary of the fact that the Government can conceivably try and trip you on something that ultimately can charge you with perjury and for fear for a perjurious indictment they'll make you testify even falaciously. Well, he said, I don't know about that, okay, so he says I am going down #tomorrow anyway." Now I am putting two and two together. Two and two my logic, okay, is as follows: He cancelled the policies to show the Government okay that he hates Louis Ostrer. Louis Ostrer is not his friend. That Louis Ostrer screwed him. (inaudible).

November: Hold it. Now follow me for once. This can be good. This could be good for you.

Ostrer: Wait a minute. Decause promised to

pay him and didn't pay him?

November: When cid he cancel the policy?

Ostrer: Last month.

November: I mean by your own statement it wouldn't

be relevant, because your st tement is that you don't want anything to happen to him; in fact you want to show that

you sold him . . .

Ostrer: . . policy.

November: I'm following you.

Ostrer: Now this man don't think the way I think.

He hasn't got an ounce of brain (inaudible).

I am now assuming now see the way I am assuming about the checks I'm assuming okay that in his own mind (inaudible) I hate his guts, he robbed me, he swindled me, with Robinson Paterson, he swindled me here, he screwed me here, he screwed me there. And if you want me to I'll

take the stand I don't mind.

November: What will he say? (inaudible).

Ostrer: Now wait a minute Jules. Aubrey Moss,

I know this man for 20 years.

November: Right.

N

Ostrer: I can tell when a guy is squeamish

believe me (inaudible)

Susan: (inaudible) . . . has been going out

with the man for years.

Ostrer: Give me credit for that, will you please.

Ostrer: She went out with him two years.

Susan: (inaudible) I have to say that . . . I

have to . . (inaudible).

Ostrer: The reason why I ask you that (inaudible)

now listen to me Jules

November: Hold it a minute.

Susan: (inaudible) He is not interested. He

is only interested in getting back the

complete balance that Louis Ostrer owes

This particular. (irraudible).

Because I wented to get the integral

November: What made you ask him?

Ostrer:

Ostrer: Because I wanted to get this information.

I'm preparing my brief. Right? (inaudible)
He told me tomorrow I got to be at the U.S.
Attorney's office, O.K.? I said Aubrey

that's of no consequence, you tell them

the truth, O.K. Tell him the way it is. I am not asking you to lie. He says I

am not going to lie, I went before a

grand jury already. I said why don't

you go down with a lawyer to protect

yourself. I don't need a la yer. I

said well the government is ;oing to

conceivably want you to become a witness,

obviously they are going to .ry to make you a witness out of you. This is what I

Ostrer (cont'd)

am assuming. O.K? But now I am putting 2 and 2 together because I said Moss has no reason to cancel the policy. (inaudible). The first quarter I gave him. And he also owns 20 thousand shares of American Service. He wouldn't want to see half the profit. . . (inaudible). I even offered to pay fayment, the entire premium and to take the money (inaudible) and he refused payment. He also met with Bill McCann and Sculman and committed himself to them to keep the policies in force, and didn't do that either. Sc I must assume at this particular point

November: Th

That he is not cut to do you any good.

Ostrer: That he :

That he is an acverse party.

thousand shares of mine.

November:

That he is not out to do you any good.

Ostrer:

This, this is my assumption. O.K. Jules now if he is an adverse party, if such is the case that he is an adverse party, then I will have to start corralling my evidence, arom a different way.

That is, I will have to go up to the Freedom National Bank and find out how much he borrowed against the stock.

And here's what he did when the stock went to \$40 a share, I gave him a

November: What did you pay with it?

Ostrer: 15.

November: In that period of time it went to 40.

Ostrer: In about 2 months.

November: You gave him a thousand?

Ostrer: I gave him a thousand shares to hold

as security against a drop, J.K. it's

in the agreement. Its written.

November: (Inaudible). That's what I was coming to.

Ostrer: Wait a minute. He went to the bank. He

borrowed against that \$120,000 position,

\$60 thousand. Do you follow what I am

saying? He only put up 30. I at one

point said to him, Aubrey what are you

borrowin, 50 thousand for? You only

put ur 30.

November: To which he said what?

Ostrer: What do you care, they're not giving it

to you, they are giving it to me. When

that stock is sold half of that profit

is mine anyway. Follow me now okay.

So he figured out that on 2,000 shares

it was \$80,000 Jules (inaudible) and he

borrowed 60 the is supposed to get back

because he put that up. Uh,uh is profit

right. So \$55,000 he owe the guy 5

grand.

November: How?

He took the 60. Now.

November:

(inaudible) intent the stock that long,

for 6 months?

Ostrer:

Nø, no until I told him to sell it.

November:

(Inaudible) at what point (inaudible)

What was your intent?

Ostrer:

My intent was I said to him look I don't know the first thing about Belmort, OK? I have a client of mine who bought a large policy ne is a multi-millionaire, the guy has thrown nothing but sevens ever since he has been in Wall Street. OK? This guy claims that it is the IBM of the decade. And so at this particular point while I need money desperately and I love to sell it, OK? Dow'r IA think this is the time, because and I said to him and I picked up the phone and asked Hellerman, OK? should I sell the Belmont Stock, not that I have any commitment not to sell myself, he said are you crazy, you wanted to sell it at 25, I told you not to. went to 30. You wanted to sell at 30, it went to 35. Follow me Jules. But now when the bank, when the stock fell out of bed, he owed the bank, you know its the old story, 60 grand. It wiped out his profit.

November:

You didn't send him to the ank to

borrow.

No! What do you mean?

November:

(Inaudible) . . at this point

Ostrer:

Now here is the point I make Jules. Here is the point I mak .. The point I want to make is, OK, is that if I have an adverse party OK and I had to discredit this guy's testimony

November:

(Inaudible)

Ostrer:

But he took profit in the interim and

just before taking the stand

never gave me half!

November:

I know you you you

Ostrer:

Listen to me Jules. Listen carefully . . .

November:

(Inaudible)

Ostrer:

Yas I did

November:

(Inaudible) he borrowed against it

(inaudible).

Ostrer:

Jules, Jules. If I go to the bank and get a record of the loan, right. He borrowed 60 thousand and he didn't come and give half of that profit. You understand me. (inaudible). He put the money, had the money in his pocket

It's not relevant, it's not relevant, because he still had an outstanding obligation I am sorry I'm sorry, it is not relevant. (inaudible). You are on the wrong track there. You are on the right track to the extent that you had a written agreement and I don't mean to deviate. But Chauncey Rosenthal spoke words of wisdom, and

November:

he said if your name is Julius

November, you wouldn't be indicted, right. 'cause Jerry Goldberg is a client of yours right, and
he called me up and he said the president of the bank next door. (inaudible).

Ostrer: (inaudible) I'm putting 'ou on a very

. . . (inaudible).

Ostrer: ... intervalue position. Let me

say this . . .

Female Voice: I don't know.

Ostrer: (inaudible) let me say this. Now

listen to me Susan Gold . . .

(end of taped conversation.) ---

FOOTAGE 6434. 80

Octifat: Pifteen from here is 3200, leaver un 5400 dollars.

Why does Julie November ove me ? 0?

Kilroy: Oid you get the administrative check?

That's in Chicago. But I need 600 dollars.

That's all I got.

Filroy: OK (inaudible). He may say no. You still owe

him about 6400, you still owe him

Ostrer: I think I'll get it from Julie at the party

tonight. I'll ask McCann to loan me 5000.

Warren didn't give you 5000?

ostrer: Hellow, yes, hiya Joe, alight Joe, well let me

tell you exactly what the story is. I just got

off the phone with Otto Forrest, OK? This

insurance department is really (inaudible)

Ostrer: ... You want me to stick it im my ass? I don't care about it.

November: ...give me a \$1,000 check. (inaudible). You said you would pay me for my investment on this shit here. I am getting fed up. You sit around 3 hours, 4 hours, 5 hours plotting, plotting, Fitzsimmons is here 16 hours. He would drink you up a kettle of beer. When he gives you the business, let me know about it. He will be fuckin' up here a year. Then he tells J.B. she's gotta go pay her tuition and you tell her she should wait for you. (inaudible).

Ostrer: Jules, stop being so fucking up tight about it.

(November and Ostrer in shouting match about having to sit around).

November: He is locked in here for 20 minuets, these other two guys with their figures, what the hell am I, shit heeler. (pause). You've got a million things to do, you make promises. (insudible).

Ostrer: You're off base today Jules.

November: Yeah, (inaudible) How are you yesterday, (inaudible)

Ostrer: I said today you're off base Jules. (shouting between Ostrer and November).

November:

I am not off base, I am not off (inaudible). You've got my 6400 for 17 weeks and you can't pay a fuckin nickle. You manipulate and you manipulate. Let the women think you're a genius. I don't think so anymore. Fucked up. (inaudible) no, no, no, (inaudible). I am not doing anything for anybody anymore. You know why, because you would fuck anyboxy. This girl was here crying tonight. Suzy, she's right. You don't pay her enough.

November:

The girl, I don't see anybody go out and read this shit before I take it out, it's all in here, read that. I'm not talking anymore, to ya. Every here he says makes him a fuckin (inaudible). I'm getting senile, not he, he says to me, tomorrow Jules I'm gonna give you so much on account. Next day he says to me, I said that! You don't do that? You deny it! I'm getting fed up with this shit. Everybody's got problems, not only you.

Ostrer:

You're getting, you're getting....

November:

I come here, break my ass to come here, to getThis fuckin' thing out. She's kind enough to do it, the girl's shitting in her pants knowing.

Ostrer: The guy flew in from Detroit this morning.

November: Then the fuckin idiot says to J.B.

Ostrer: Your wrong Jules.

November: He flys in every week, every week you go and (inaudible).

Ostrer: Oh. Nonsense, the guy hasn't been here in six weeks.

November: I don't mean that, he comes here (inaudible)

Ostrer: The guy came here in the morning at 10:00 and I left

him standing here till six, alright?

November: Listen, if not for you he's be starving.

Ostrer: So what do you want me to do, tell it to his father?

November: I don't know who you are going to cell it to.

Ostrer: You're talking silly.

November: What I'm saying, this poor girl is crying, say Jesus Christ

this will get me in. What girl would go out and do like

this girl? This fuckin Moss is rained. He ever takes

the witness stand, he's wrecked all over. Read this shit.

Read it.

Ostrer: Jules, I understand that.

November: Let it go.

Ostrer: What do you want me to do, give her a \$400 raise?

November: Nah. She wants a stinking \$10.

Ostrer: What are you talking about Jules?

November: The girl is in tears, you have her hung around here

3 or 4 hours.

Greenfield: Ah, she's ah, listen I'll

November: Cut out all this shit Louie.

Greenfield: Don't worry about that, we'll take care of her.

November: Had to pay your debts, how, 64 dollars right in my fuckin pocket, 17 weeks, takes my money, fuck the interest. (insudible) (Ostrer and November in shouting match). (insudible)

November: She don't have to stay here, she's got no business

to stay here. It was his fault that she stay here.

I don't really care because I said to J.B., look J.B.

I don't even want to know what's going on, I don't want to hear what's going on.

Ostrer: Come on, no one's accusing you. Jesus Christ come off it. (insudible).

November: I'm not offended, but then don't you understand, I could have gotten through and he could have waited, that's all. And I'd have gone down with her.

I'm here see, I walked in here at 6 o'clock.

November:

Aw shit. You fuck around all day (inaudible). You want to go on the straight and narrow, stop bothering with the fuckin' women 16 times. (inaudible). If I were you, I'm going to tell you as a friend, of yours, forget about him, (inaudible) I'd stick to my knitting. This is intelligent about Moss. But all this bullshit with the stamps, with the documents, with McNiff, 17 days. I don't see a fuckin' thing happen. I see you more get in the hole every fuckin' day. You're

you more get in the hole every fuckin' day. You're worse off financially than you were a year ago. And I'm more in a hole with you.

November:

Talk is cheap, read that will ya please, (inaudible)

Ostrer:

He told her he's taking the stand.

November:

He won't take the stand with this, he can't afford to.

He'd be disgraced.

Ostrer:

But isn't, isn't this blackmail?

November:

No. Where's the blackmail?

Ostrer:

It's not?

November:

Nobody will be around, we know who the hell, if she's sitting with him in a restaurant, he's gomma be wired?

This is blackmail?

Is this intimidation ? (inaudible)

November:

Ostrer.

November:

do you recall

No, no, you're entitled, don't you understand why
I'm doing this? In case he gets to her. Then you
can use this, that she gave a statement. In other
words, you can attack the witness' credibility. The
guy's a whoremaster. He's running around, he took
her all over the fuckin world. A married man sught
her all the shit and she's a single girl, right?
She would have to take the stand, wouldn't she?
This is credibility. But let's assume that somebody reaches her. She says no. And I say to her

November, I feel terrible here's what Moss is going to do. I don't want to be a buffer, and I said to you well you know you've keeping company with the man, would you give me a statement? She says, she thought she said, yes, I'll be glad to give you a statement.

Understand, that's what this is for, don't you understand? But if he got wind of the fact, that she's gonna testify to the relationship, (he wouldn't take the stand) gonna testify to the relationship, (he's cross-examined on this shit.

Ostrer:

But he went down there today right?

November:

That's what he said.

Ostrer:

He probably gave them a statement under oath.

November:

I don't think he gave them - statement under oath.

I don't think so.

Ostrer:

He told her he's gotta be a witness.

November:

Aw well that's language she doesn't understand he's got to be. He don't have to be. But I think he's destroyed, but as you say, what you also got the other thing on him, he gave back the stock, the fact that he owes you money 10 years ago is not relevant or you owe him money 10 years ago such a thing is not relevant, you've got to keep, I've got to stay objective in this thing.

In other words as between the fact that he and because she wouldn't know about this so it's not in here. But you yourself said its a matter of record he made a bundle right, he lept it didn't he? So what is he gonna testify, you, you ought to know man to man between you, (Inaudible) what can'testify to concerning this thing? What are you concerned about they have six witnesses like that you gotta win. He's under, he's absolutely destroyed. I'm gonna file this away in the safe and I promise to give it to here, (pause) when the case is over. How can he?

strer:

Make a copy of it.

Hovember:

You want a copy of it? Huh?

ostrer:

Yea, I ll put it in my vault. God for id a thousand times comething should happen to it.

ovember:

You want to keep the original?

strer:

No.

N wember:

I'll give you the original.

C:trar:

No, I don't want you to goth the my your ford.

November:

What the hell good is a photocopy!

O:trer:

It's no good?

November:

Where's your vault?

Ostrer:

Right here.

November.

Why don t you keep it here? Then I won t give it

to her. I'll tell her we destroyed.... Who's here?

Just me.

89

November:

Make a photocopy, we're gonna reverse it.

Ostrer:

The other, uh.

November:

I promised to give it to her. Here makes two

photocopies.

Ostrer:

What's that the other what Bill?

Kilroy:

The other bags I'll put in the car, in yours, in yours,

in yours,

November:

You don't have to take this off do you?

Kilroy:

Yea -- He just took Seymour to the garage.

November:

You don't have to take this off, you can keep it on

like that can't you?

Kilroy:

Yeah, I'm not gonna take it off.

November:

Make two.

KILROY:

What's the garage's number?

OSTRER:

Well we can make up another one that this is a conformed copy of the original.

NOVEMBER:

That is a conformed copy of the original, (INAUDIBLE) It's a photocopy (INAUDIBLE), I'll give you the original. Put it away in the safe. Only tell Edelbaum about it if you come to trial, if he's gonna be a witness. That's dynamite in that thing. He's gotta be destroyed. You see what she said, he's only worried about being embarrassed. She says by the way, at one time they went away; the partner went along, but they took separate rooms. (INAUDIBLE). Then she says they registered over there in Europe as man and wife because the wife wouldn't call him (INAUDIBLE, he gave her these diamond rings. You see how I put this, this is only a skelton of all the gifts, She says he bought her, he spent thousands of dollars. (INAUDIBLE)

OSTRER:

I can call his partner you know.

NOVEMBER:

Be careful, now here, her you, you, you, you,

OSTRER:

You're playing with fire

NOVEMBER:

You play with fire. It's dangerous here you're intimidating, you're extorting, in other words, if a guy has something against me, and he says November you know, if you don't do so and so I'm gonna do so and so, then you commit, you can't do that. That's why I purposely left him out. He was he was a party to the whore He's married? He was a party to this whoremastery too. But she said he didn't take anybody. Chicago he took her up to (INAUDIBLE) he gave her that set (INAUDIBLE), a color set (INAUDIBLE). Because I said you got to be careful, you can't make it too vivid or people will say to you, what are you a girlfriend of Mr. Ostrer, you follow me? Now I put in there that, it ran over, you know what I mean, she

himself. He's destroyed. Here's that, here's that, the jury will say he's a fuckin' whoremaster. All, all Edelbaum has to bring out, I told him I'll be in court, that 10 years ago you had this little (INAUDIBLE) Robinson - Paterson, right.

OSTRER:

They were obligations

NOVEMBER:

See she wanted me to put in there that everything you, you ever did with him, it turns to shit, its always a loss. So I said well I don't know about that but I do know that you would know if he made a big profit in the stock. Now if you had, if you had three or four witnesses like (INAUDIBLE) they're dead. (INAUDIBLE) The jury (INAUDIBLE) you know what I mean they see this guy as a whoremaster, this guy played around with this kid for two years he told her ah that he had another girlfriend, when his wife learned about it, she wanted to give him his freedom but he didn't care for another one (INAUDIBLE). She believed him. (INAUDIBLE)

OSTRER:

And he's a legitimate businessman right?

NOVEMBER:

Hm?

OSTRER:

He's a legitimate businessmen right?

NOVEMBER:

(INAUDIBLE)

OSTRER: THAT'S, That's, credibility of a witness you say?

NOVEMBER: Anything that tends to show credibility. The

Court of Appeals has ruled time and time again,

anything that (INAUDIBLE)

KILROY: Louie, pick up the phone

NOVEMBER: He's a whoremaster

OSTRER: Hello, Hello

NOVEMBER: He's a (INAUDIBLE). He's a cheater. Any man who

is a whoremaster, a cheater, a man of disrepute,

is not worth a, anything that shows he's a

(INAUDIBLE).

OSTRER: Why don't you keep a copy?

KILROY: I don't want a copy

NOVEMBER: No, don't give him a copy (INAUDIBLE).

KILROY: As far as I am concerned, there was no opy

made (INAUDIBLE)

NOVEMBER: You can keep a copy, give him the original

KILROY: Who do you want the other copy to go to?

NOVEMBER: (INAUDIBLE) put it away in the safe in case

something happens. Alright? Don't tell

Edelbaum about it till it comes up, at that

point if you find out Moss, you didn't get a

that anyway. You tell Edelbaum that that he's gonna have Suzy as a witness and that Suzy voluntarily, you know, is gonna be a witness, that she gave you a statement, give him a copy of it.

OSTRER:

You want to hold the original?

NOVEMBER:

No, you can put it away in the safe.

OSTRER:

You want to hold the original?

NOVEMBER:

You hold it

OSTRER:

You hold it

NOVEMBER:

Don't you want to put it away in the safe?

OSTRER:

You hold it

NOVEMBER:

O.K.

OSTRER:

You're the lawyer, who made a commitment (INAUDIBLE).

NOVEMBER:

At that point (INAUDIBLE). Note at that point,

I would say that this guy's word, you see I just

told, and you're a witness, and you testify;

you got another one. You want another one?

Ostrer: Give me the photo.

I want to give one to Edelbaum.

November:

I wouldn't give it to him now. You shouldn't give

it to him now, don't give it to him now, not yet.

Ostrer:

I should know tomorrow what the story is, right?

November:

Any credibility, if you have got 3 more witnesses

like this, you can bring this out against him.

Ostrer:

But, I have seen guys take the stand that have

a record as long as your arm.

November:

That is different in a case where it is a burglary,

it is something like that you know.

Ostrer:

No, no, no, where a guy testifies, right?

November:

Yeah?

Ostrer:

The guy is a-a- thief, right?

November:

And they bring out (Inaudible) and the District Attorney.

Kilroy:

Hoffa went to the can.

November:

And The District Attorney brings that out.

Ostrer:

No, no, no, and the defence witness brings but,

how can you take the word of a man that's been

convicted?

November:

Yesh, and then they tell you this. That (Insudible)

I will show you the difference. In the case they

say of conspiracy to burglary, well not murder-

burglary, the people will say, sometimes they will

bring out their own witness' thing like the guys

who turn state's evidence..

That's exactly what I mean.

November:

They say, they will say that you unfortunately have to rely on scum, but there's, you've got to realize the man is telling the truth or a semblance of the truth. But now here the government doesn't know this, see, and they believe this guy is a high, high responsible businessman, right? He says that he was swindled; now here he swore to get you, right? Here the man is a whoremaster. He's been running around with women; he gave this girl in the course of three months thousands of dollars worth of gifts; he ran away to Europe and there he registered in the same name to save the dollar, because he figured his wife wouldn't call him. He went to Chicago, he brought his partner with him. (Inaudible). The jury, they will say, here's a man that is burnt up, right? Here's a man that is so low he is cheating on his wife; here's a man that took a single girl to Europe, a married man.

Ostrer:

Right?

November:

This could be your father. Here's a man that's burnt
up, nere's a man that you got something better on
him; here's a man who made a bundle and didn't give
anything to the man he is now accusing, right, of
stealing from him, and here's a man who again relinquished

the stock to Ostrer.

November: How would Ostrer (inaudible) Could Ostrer compel him

to give it to him? Could Ostrer threaten him? No.

On the contrary, here's a man who (inaudible) met a

young girl who was working in Ostrer's office, unknown

to Ostrer, became enamored with her, right? Took her

to the Cherry Hill, New Jersey twice (inaudible).

Boug her countless thousands of dollars worth of

stuff, minks, racoon coats, double, triple cheetas.

Told her he intended to marry her.

Ostrer:

The whole bit.

November: Nah. I don't think he takes the stand, what do you think of the?

Ostrer: How do you get to him to let him know you got this?

November: Well, then in that case, I guess, you see, (inaudible)

let's hear what he talks to her about tomorrow.

Ostrer: Cause we got to be very, very, very, careful with this.

November: Yeah, she may then later on tell him, listen, if you gonna take stand, Aubrey, you hear.

Ostrer: Yeah, go ahead.

November: Then so as a decent human being, no matter, what it could do to me, I have got to show what a low skunk you are.

Follow me.

Ostrer: Yeah

Yeah, go ahead.

November: I Non't think he's gonna take the stand. What do you think of that? You've got dynamite here, as you put it yourself. Now we have to talk at length here probably Friday or Monday, (inaudible),

Ostrer: I've got to find out if they got the Hill of particulars.

November: About the hearing on the 28th, because what I am gonna do is I'm saying I brought no records unless they can show them relevancy, alright? Fringe Programs, they'll have to subpoena my office (inaudible). Now what do you want to do about the \$1,000 (inaudible) and the other items.

Ostrer: I'm gonna, I'm gonna give it to you right now.

November: You got \$750 in Fringe, a good check? Not a bad one.

Ostrer: We'll make it good Jules.

November: And my 200. When do you want to pay me 6400, or shouldn't I ask? (inaudible),

Ostrer: Let me tell you what happened..., you I'm gonna tell it so you'll know. (REST OF CONVERSATION NOT TRANSCRIBED.)

GX T-4

TAPE 3819 FOOTAGE 1087

100

Ostrer:

Call up Moss.

Susan Gold:

Oh Aubrey (inaudible).

Ostrer:

Ask him if he's going to give us those papers.

Greenfield:

What papers?

Ostrer:

The copies of the checks he paid for the stock and

the record of repayments to the bank.

Ostrer:

(Pause). I don't want to talk to him in case

he got his tape recorder on Seymour, We very careful

how you talk to him.

Susan:

(Inaudible).

Ostrer:

(Inaudible). (Shuffling of papers).

Greenfield:

What do ya want now, copy of what do ya want?

Ostrer:

(Inaudible).

Greenfield:

Huh?

Ostrer:

(Inaudible)... as a penalty.

Greenfield:

No. Half of it. It's not a penalty. (Typing and shuffling

of papers in background).

Greenfield:

(Inaudible) ... copy of what? (Inaudible).

Ostrer:

Yea, I want a copy of the checks that he paid for

the stock. He issued four checks for 7500 a piece.

He gave them to Henry Brown. They were dated checks.

Greenfield:

OK, Louie. You want to (Inaudible)... 5 o'clock.

Isn't that stupid ? (Inaudible)

Susan:

Ostrer: (Inaudible)

Other male: Other female: Greenfield:

-

... requets for brochures. No checks.

Creenfield:

Is he opened today?

Female:

I don't know.

Ostrer:

Naw, he ain't closed. Moss ain't closed.

Greenfield:

(Inaudible).

Female:

(Inaudible)

Kilroy:

(Inaudible)

Female:

What did you dial?

Greenfield:

(Inaudible)

Kilroy:

(Inaudible).

Female:

(Insudible)

(End)

TAPE 3632

FOOTAGE 1167 CONVERSATION AMONG LOUIS OSTRER, JERRY DILORENZO AND PHILIP TARTAGLIA.

Jerry DiLorenzo:

They fixed your shelves huh?

Ostrer:

Yeah. (Inaudible).

Ostrer:

We did it, we just had them checked last week.

Philip Tartaglia:

What did you have checked?

Ostrer:

All the phones right to the terminal. (Insudible). They checked the whole joint (inaudible).

Philip Tartaglia:

Oh yea, you said the phones.

Ostrer:

Everything, and my house too. (Inaudible). Yeah,

you know, you saw it.

Philip Tartaglia:

And what did he do? What did he find?

Ostrer:

Nothing.

Philip Tartaglia:

Nothing, are you sure?

Jerry DiLorenzo:

Clean?

Ostrer:

*

Positive.

Philip Tartaglia:

THe whole joint everything?

Ostrer:

Yeah, Everything. Yeah. (Inaudible).

Jerry DiLorenzo:

Let me tell you about this, what uh some lawyer

told me. They have to get a court order in order

to put electronic surveillance. They can only

get it for one month at a time, In other words,

if they get a court order that says I'm gonna

bug. (Inaudible)

Philip Tartaglia:

use it against you they don't need (Inaudible)

Now everthing they hear know.

Jerry DiLorenzo:

(Inaudible)

Philip Tartaglia:

(Inaudible).

Ostrer: (Inaudible).

REST OF CONVERSATION NOT TRANSCRIBED...

GX T-6

104

Susan:

Ouch. Hello.

Moss:

Inaudible

Susan:

Yeah.

Moss:

Yeah.

Susan:

I wanted to pick it up in the back.

Moss:

Oh.

Susan:

You, you know nobody is in there (inaudible).

Moss:

Oh, (inaudible) so how's your foot.

Susan:

Oh that's alright, that's fine, my foot's O.K.

Moss:

O.K. good.

Susan:

Yeah.

(Člick, Click).

Susan:

Hello, what's the click?

Moss:

My goodness, I don't know. Well it's probably over

there. (inaudible) ya know.

(Click, Click).

Susan:

Hello, Hello, Hello, Hello. (pause)

[New Conversation]

Moss:

Yeah

Susan

Yeah, what happened?

Moss:

I don't know, I have know ice whatsoever, I uh er maybe at the board it was cut off, I have no idea.

Susan:

Hmmm, How are you?

Moss:

Alright.

Susan:

Good.

Moss:

O.K. 1:30.

Susan:

What 1:30 ?

Moss:

Today?

Susan:

No Aubrey. No, I really don't think I should see you until this whole thing is over with. Really because uh I don't know what your intentions are, and I feel this way. I'm in between. Being I, at the present I work here I feel kind of awkward, you know what I mean.

Moss:

Well ic doesn't

Susan:

Well, I mean I don't know what to say, you know what I mean. All the months, you've been, its worked up to ah like a lather, you know what I mean, on me, its all been on me, all this time, you know, and I just feel that I just don't want to be involved at this point anyware with this.

I don't want anything to happen to him. And....

Moss: Whether it does or it doesn't it has nothing to do with me.

Susan: Well it does have something to do with you.

Moss: No, no. Not true.

Susan: It does, because I mean I uh I don't know what you I

don't know what to believe, ya know what I mean. I

don't know what you are planning on, on doing and I

don't want to know.

Moss: I have nothing to do with this thing at all, excepting what happened. I have nothing, I'm not I'm not a complainant.

Susan: No, but, I mean you, you....

Moss: No, what I mean is this, I am not a complainant in the uh.

Susan: I really, look I didn't really want to hear whether in or whether or not you were having going down to the U.S. Attorney and all that, it hurt me. I mean you have got to understand that what you have with him is one thing, but you know he has been very good to me.

Moss: Alright.

Susan: Ya know? and so have you and I am drawn between both of it and I to by a selection to be per-

Moss: Well, nobody does as far as that goes.

Susan: Well that's not, but but, that's not, what you said.

Moss: No (inaudible) look.

Susan: But Aubrey, that's not what you said, now you're changing it.

Moss: No. I don't change, I don't change it.

Susan: You didn't give a damn what happened to him.

Moss: That's exactly correct in, in, in a most cir...

Susan: All because of mo..., all because of uh, I don't understand it, you have been friends for 25 years.

Moss: No. Uh.

Susan: I don't understand how you can turn around, how you can turn around, and feel that way out of the clear blue sky.

Moss: Well, it's rot the clear blue sky. How long can you be pushed around?

Susan: But, he's never done anything to you.

Moss: Oh no. Ha, ha. You don't listen to what happened, but that's not the point, nobody wants anybody to get hurt like that anyway.

Susan: But that's not the way you made it sound.

Moss: What uh, what uh make it sound an emotional, people...

Susan: Because people, many people owe money; thousands of business people owe money, ya anow:

Moss: This is not business, believe me. We are (inaudible)

the point is this, alright look (inaudible). There's

a big problem that is unfortunately that I've roped

into it and I am gonna, I am gonna suffer tremendously

because of this problem.

Susan: You're gonna suffer?

Moss: Of course I am, you think this is a joke?

Susan: Uh, no, I don't think it's a joke.

Moss: Well uh ya know when I say uh, when I say uh.

Susan: But, I only know what you said, I only know the things

you told me in the past.

Moss: Well I don't know what you (inaudible)

Susan: I mean I can talk freely now. Because like I said,

nobody is here, except the girls looking at coats, and

they don't know who the hell I'm talking to. This is

it. Um, but, I mean you know, ah,

Moss: Listen, it, it boils itself down to a very simple

thing as far as I'm concerned. I am not the prosecuting

attorney.

Susan: What are you worried about?

Moss: Well I am worried about this.

Susan: What are you worried about?

Finally, Fig tly, very bluntly, this man owes me a

fortune and he has taken money, taken money, and taken

money, and never once performed according to...

Susan: Oh, but I understand that he has, I understand that he

has paid.

Moss: Very very, small partially.

Susan: How small?

Moss: I don't know, maybe, maybe, 1/3 you know that he was,

everytime I

Susan: Don't put me into it. I know. Don't you dare put me

into it. I only know what you told me now, now I

don't think that's fair.

Moss: Ah, wait a minute.

Susan: Please don't make me don't put words in my mouth.

Moss: Look uh.

Susan: Because uh I mean it's not right, this is what I don't

like.

Moss: Nobody's putting words in anybody's mouth.

Susan: Yes you are, yes you are putting words into my mouth.

Moss: Look, I say you know that when I came up there and he

would give me 150 bucks after 3 or 4 weeks when he

was supposed to...

Susan: All I saw was that he was giving you

Moss: That's what I'm talking about.

Susan: I saw that he was giving you money, and I asked you and

you said yes.

Moss: Of course.

Susan: And I know that he has made certain payments to you.

All of a sudden...

Moss: It's not all of a sudden.

Susan:

Moss: What are you talking about? If he owes, if he owed me

40 or 50 dollars.

Susan: Well let me ask you something....

Moss: If he owes me 40 or 50 thousand dollars that he managed

to squeeze out and pay ten

Susan Gold: Let me ask you something, what was ah what was ah what was the real the real reason, honestly.

Moss: 0 boy

Susan Gold: The real reason for dropping all the policies.

Moss: Well to begin with, I didn't need them. That's

number 1.

Susan Gold: Huh!

Moss: I don't need them as much as I had, that's number

1. Number 2 we couldn't afford them.

Susan Gold: You couldn't afford the policies, that's why you dropped them.

Moss: That's right. I mean...

Susan Gold: I don't really think you're being homest. With yourself or me.

Moss: I want to tell you something.

Susan: I think you've lied to me I really believe it, I truly believe it.

Moss: Your gonna keep talking or you gonna listen. I'm gonna tell you something right now.

Susan: You tell me, yes.

Moss: I know Louie, I know Louie as

Susan: For 25 years. And you can turn around because of certain...

talk you're not listen and if you don't listen you're

not gonna you're not gonna know anything. If you

want to know something listen.

Susan:

Yeah.

Moss:

I know Louie, and I know how he talks, and I

know how he thinks, and I know what he must have been

saying to you.

Susan:

Is that any reason to turn around and to go to the

U.S. Attorney against him.

Moss:

Wait, I'm not saying anything against him.

Susan:

Oh Aubrey, now your changing everything.

Moss:

I'm not changing

Susan:

I mean really.

Why don't you be honest with yourself.

Moss: Hey what I say to you is between me and you and

what I say to Louie is between me and him. The

fact that I think he took money and he didn't preserve

on his end of the stick.

Susan Gold: I don't care what, so what.

Moss: Is the truth..

Susan Gold: So millions of people do this.

Moss: I'm not interested.

Susan Gold: Millions of friends go through situations like this.

Moss: I'm interested in me, that's all.

Susan Gold: You're interested in only you.

Moss: Number two, number.

Susan Gold: And therefore you don't care what happens to him,

and you want me to stand in the middle of this.

Moss: I'm not say ing you're in the middle of anything.

Susan Gold: But I am.

Moss: I can't change your thinking but you're not

Susan Gold: You say I'm not but I am.

Moss: Alright, now the second part of it is, you asked

me a question about insurance policies.

Susan Gold: | don't never mind about the insurance, I want to

know why you cropped all those policies,

Moss: (Inaudible)

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Susan Gold: Why you took

Moss: You don't let me answer.

Susan Gold: Listen all I want to know is

Moss: You don't let me answer I know what you want to

know but you don't let me answer because, I know what

Louie has been saying to you . I can (Inaudible)

Susan Gold: Why did you buy other policies for more money?

Moss: That is not true, number one, see this is exactly the point

Susan Gold: Is is true, Is it true

Moss: All right

Susan Gold: I don't make these things up, I'm not stupid. I'm

here for eight years, I know what goes on in this place.

Moss: I can't talk to you. You don't want to listen, you

just want to talk. You want to believe what you heard

O.K. with me.

Susan Gold: You didn't do it?

Moss: You a, you want to believe its O.K. with me.

Susan Gold: Oh come on now you know you're lying.

Moss: You want to listen or don't you want to listen.

Susan Gold: No, I want to listen, I want you to be homest with your-

self.

Moss: Why don't you listen to me. These are facts.

Seare Cold: That's Cott?

Moss: What I'm about to tell you if you will listen.

Susan Gold: Did you volunteer to go down to the U.S. Attorney?

Moss: No

Susan Gold: *You didn't? ,

Moss: I was called.

Susan Gold: You were called?

Moss: I was called.

Susan Gold: But you told me you went you that you had to do it.

Didn't you tell me that you had to.

Moss: I told you that I was called, and that I couldn't,

that I

Susan Gold: Don't you, listen, Aubrey, Don't make me a liar!

Moss: What are you talking about? I don't know what you're saying.

Susan Gold: For eight months you've been telling me that you're gonna go down, how am I suppose to feel?

Moss: Oh come on, I never said anything like that.

Susan Gold: Aubrey don't make me a liar. God Dammit. This is what bothers me now.

Moss: What are you, what's the matter with you, For Christ's sake.

Susan Gold: Look, you're lying to yourself O.K. and first of all your lying to me which irritates me to no end.

Moss: Is that all?

Susan Gold: You are lying now.

It was called ...

Susan Gold: Hold on a minute. Hold on, hold on. (Fause).

Susan Cold: Listen, I have nothing, they just walked in now, I have nothing to say about this. All I can say is, is now worse than ever I maggravated because you're a liar.

Moss: Hey

. Susan Gold: And there is nothing more that I can't stand is a liar.

Moss: Wait a minute

Susan Gold: For eight months you told me, for eight months, Aubrey,
you sat at restaurants and you told me that you don't
give a goddam hell what the fuck happens to Louie Ostrer
and I sat and I listened to this for eight months.

O.K. and now you're, reversing it, and now you're
telling me that you never said it.

Moss: I look I

Susan Gold: So you're lying.

Moss: Wait a minute.

Susan Gold: O.K. so therfore let me tell you this don't call me,

don't call me at my house, don't call me in the office,

don't call me in the bathtub. Don't call me anywhere, you conditionally because now now I'm annoyed because you're making me a

liar. For eight months you sat with me, and I took

this crap.

Moss: Why don't you listen to me?

Starm Gold: I con't listen to you because you're a lier

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Moss: I told you that I would, that I would.

Susan Gold: You see because in order to be a liar you gotta have a good memory, O.K.? and you don't have a good memory.

Oh God &lmighty will you please, will you just...

Susan Gold: Don't give me God Almighty. Don't give me this shit! You only understand curse words.

Moss: Why don't you let me say something, you're just working yourself up.

Susan Gold: I'm working myself up, because...

Moss: Why don't you stop talking, just stop talking, and do

a little listening. You just stop talking altogether

and do some listening, and don't hang up.

Susan Gold: No, it irritaies me, Lecause you're a liar now

O.K. I got a job to do.

Moss: stop talking...

Susan Gold: What?

Moss:

Moss: Stop talking and listen for five minutes.

Susan Gold: I got to get, look, there here now and I've gotta

Moss: Just let me say santhing. I told you...

Susan Gold: I have nothing to say to you you're making a liar out of me. Good bye Mr. Moss Good bye.

[Phone hung up]

TAPE 3645 FOOTAGE 0665

Ostrer:

Yeah.

Susan Gold:

I told him not to. He called me anyway. He

called the office. I told him not to call the

office.

Ostrer:

Well, he told Seymour he wants to talk to me,

huh?

Susan Gold:

Yea.

Ostrer:

I said to Seymour, I don't want to talk to him.

Susan Gold:

What did you say then?

Ostrer:

Nothing. He'll come here he'll be all wired up. Hah.

You know what I mean?

Susan Gold:

Yeah.

Ostrer:

That bastard.

Susan Gold:

How's everthing in the office?

Ostrer:

OK honey, alright

Susan Gold: You didn't see me Friday Louis!

Ostrer:

I know, I'll see you tomorrow.

Susan Gold:

You know ah.

Ostrer:

What babe?

Susan Gold: If the phone is tapped (PAUSE) Screw you who!s

ever on here.

Ostrer:

Yea

Susan Gold:

OK I'm not talking about anything personal

anyway. Friday when I got paid,

Ostrer:

Yea

Susan Gold:

I thought maybe it was from you. 1 said

look Seymour, I think you paid me wrong.

Ostrer:

What did he give ya?

Susan Gold:

I get \$104 dollars.

Ostrer:

How much did he give ya?

Susan Gold:

I got a 110.

Ostrer:

Yeah.

Susan Gold:

He said you're been screaming and yelling

and vva, vva, vva, vva, you want a few dollars

extra a week, it will help you. I say well is

this from Mr. Ostrer? He says, no he has

nothing to do with me.

Ostrer:

Right.

Susan Gold:

This is an extra six dollars from me.

Ostrer:

OK

Susan Gold: I thanked him very much and I...

Ostrer: Alright baby.

Susan Gold: And I (Inaudible).

Ostrer: OK

Susan Gold: And I ran out of there.

Ostrer: OK honey.

Susan Gold: OK

Ostrer: Yeah.

Susan Gold: I'll see you tomorrow.

Ostrer: Right.

Susan Gold: . Bye, Bye.

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(TELEPHONE CONVERSATION BETWEEN LOUIS OSTRER AND SEYMOUR GREENFICLE)

Greenfield: Moss wants to meet me at 2:00.

Ostrer: Yeah.

Greenfield: In his car.

Ostrer: Where?

Greenfield: In his car.

Ostrer: No good.

Greenfield: And he won't come upstairs.

Ostrer: Huh?

Greenfield: And he won't come upstairs.

Ostrer: Meet him in Longchamps.

Greenfield: I'll take him out of his car. Don't worry. I'm not going to sit in his car.

Ostrer: He has a tape recorder in his car.

Greenfield: I'm not going to sit in his car with him, silly.

I'll tell him to come out of the car. I'm not

going to discuss anything with him but insurance,

what difference does it make? What do you think

I'm gonna talk about anything else.

Ostrer: He may want to.

Greenfield: I uh let him do what ever he wants. I won't answer him. I won't even answer him. November is on now O.K., here talk to him, go ahead.

(End of conversation with Greenfield).

Gov't EXHIBITA S. DIST. COURT	Y. V. X.
7.13	1.

THURBOAY • DECEMBER 1972

STRING PRIDAY - DECEMBER 1972

TELEPLONE MESSAGE DISTRICT ATTORNEY

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PLEASE REPLY TO - SIGNED &S Q. WHITNEY NORTH SEYMULIK Ruby - WON_
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GRAYARC CO. INC., BROOKLYN, N. Y 11232

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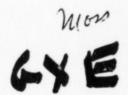
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EXHIBIT WAY

OFFICIAL TRANSCAL.

BEFORE THE

Securities and Exchange Commission



	FILE No.	
In the der of	BELMONT FRANCHISING CORP.	
Place New York,	New York	
Date August 13,	1970	

Pages 1 - 21

CSA REPORTING CORPORATION

OFFICIAL REPORTERS 300 SEVENTH STREET, S.W. WASHINGTON, D.C. 20024

TELEPHONE 737-8333

CERTIFICATE

I hereby certify that this is the transcript of the hearing
held before the Securities and Exchange Commission
OnAugust 13, 1970
In the Matter of Belmont Frenchising Corp.
and that this is a full and correct transcript of the proceedings
to the best of my ability.
Lem Mande

BEFORE THE

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SECURITIES AND EXCHANGE COMMISSION

IN THE MATTER

OF

BELMONT FRANCHISING CORP.

Securities and Exchange Commission 26 Federal Plaza New York, New York Thursday, August 13, 1970

Examination of Aubrey L. Moss conducted in private conference pursuant to voluntary appearance in the above-entitled patter at 12:00 o'clock Noon.

APPEARANCES:

MICHAEL D. HARRIS, ESQ., MEYER GOLDMAN, SECURITIES INVESTIGATOR

On behalf of the Division of Trading and Markets, Securities and Exchange Commission.

INDEX

WITNESS Aubrey L. Moss PAGE

EXHIBITS

DIVISION'S EXHIBIT MOSS NO.

FOR IDENTIFICATION

PROCEEDINGS

MR. HARRIS: Let the record reflect that Mr. Moss is appearing voluntarily.

Mr. Moss, this is an investigation by the Securities and Exchange Commission to determine, among other things, whether or not there have been any violations of Sections 5 and 17 (a) of the Securities Act of 1933 and Section 10 (b) of the Securities Exchange Act of 1934 and Rule 10 (b) 5 thereunder in connection with trading in the securities of Belmont Franchising Corporation.

In the course of our investigation we may uncover other violations of law as well.

As is customary in proceedings of this nature I wish to advise you as follows:

You have the right to be represented by an attorney of your choice.

I note for the record that you are not here today accompanied by counsel. Do you wish to proceed, sir, without counsel?

MR. MOSS: Well, whatever I can help you with I will be glad to.

MR. HARRIS: I want to re-emphasize to you your basic Constitutional right to have an attorney present, and if at any time today you wish to consult counsel let us know and we will arrange a reasonable adjournment. Of y,

sir?

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MR. MOSS: Yes.

MR. HARRIS: Also, I advise you that you have the right to refuse to answer any question on the ground that it may tend to incriminate you or subject you to a fine, penalty or forfeiture.

That is your Fifth Amendment privilege. You understand that?

MR. MOSS: I do.

MR. HARRIS: All right, I advise you finally that any events you give us today here may be used against you in a later proceeding, whether that proceeding is civil, administrative or criminal in nature. You understand that?

MR. MOSS: Yes.

MR. HARRIS: On the basis of the foregoing are you willing to testify here today?

MR. MOSS: Well, whatever information I have here
I will let you know, that is all

MR. HARRIS: Raise your right hand, sir. Whereupon,

AUBREY L. MOSS.

called as a witness, having been first duly sworn by Mr.

Harris of the Commission's Staff, was examined and testified as follows:

EXAMINATION

BY MR. HARRIS:

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- Q State your full name for the record, please?
- A Aubrey L. Moss.
- Q What does the "L" stand for?
- A Lionel.
- Q May I have your home address?
- A 737 Hemlock Drive, Oradell, New Jersey.
- Q May I have your telephone number, please?
- A The house?
- Q Pardon?
- A The house?
- Q Home.
- A 265-6804.
- Q Area Code 201?
- A 201.
- Q Are you employed?
- A Yes.
- Q What is your business?
- A Sales, metal sales, Jersey City Production Metals,

Incc, 299 Pavonia Avenue.

- Q Telephone number?
- A Worth 4-7900.
- Q And your position with Production Metals?
- A President.
- Q May I have your date and place of birth?

What else did he tell you?

That he gave me written piece of page that he would hold me harmless from loss. Guarantee you against loss? Guarantee against loss, and we would share in any profits, if any. Do you have a copy of that document? Yes. Q Is this a copy? Yes. Q Do you have the original? Yes. May we have this? Yes. MR. HARRIS: Please mark this as Division's Exhibit Moss 1 for identification. (Document marked Division's Exhibit Moss 1 for identification, of this date.) BY MR. HARRIS: you if you can identify this document, Mr. Moss?

I show you Division's Exhibit Moss 1 and ask

- That is the copy of the original agreement.
- That you had with Mr. Ostrer? Q
- Yes.

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It is dated what date? What date is it?

		104	8
1	A	The date is the 25th of March.	٥
2	Q	In other words, Mr. Ostrer came over to see	you
8	that day?		
4	A	That's right.	
5	Q	In terms of this agreement then, what happe	ned
6	was that you	u gave him some money?	
7	A	Yes.	
8	Q	\$30,440?	
9	A	The price that he had paid for the stock.	
10	Q	For 2,000 shares?	
11	A	Yes, fcr 2,000 shares.	
12	Q	And what was going to happen, he gave you 2	,000
13	which you w	ould split any refits with him and he gave	
14	you sother	,000 shares guaranteed to you?	
15	A	Call it that. That is a good way to put it	•
16	guarant o	r additional collateral.	
17	Q	And a 1,000 shares you held for his benefit	?
18	A	That's right.	
19	Q	Did you make the checks out to Mr. Ostrer?	
20	A	Yes.	
21	Q	Is that his signature?	
22	A	That is his signature.	
23	Q	On the bottom left?	

Is that your signature on the bottom right?

Yes. Who wrote this out? He did. Q It is in his handwriting? His handwriting. Did he tell you he was guaranteed against loss Q as well? A No. Q He didn't tell you that? No. 10 Did he tell you what he knew about the stock? 11 Nothing except that he had acquired, which they 12 had acquired some companies which I had subsequently re-15 ceived in a notice from them, which had been done prior to 14 this. 15 They expected to do well and in doing well, in 16 the normal course of events, the price goes up. 17 Q Did he tell you how high he expected the price 18 to go up? 19 A No, not really. He thought --20 Did he talk in terms of 50 or 40? Q 21 22 No, no, not -- just a substantial profit and that we would share it. 25 Q How long have you known Mr. Ostrer? Oh, I can remember at least 12 years when he

was a licensed insurance broker. He sold me one of the first big policies.

BY MR. GOLDMAN:

Q Did Mr. Ostrer mention he did this with other people too?

A Yes, afterwards, not at the time.

BY MR. HARRIS:

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- Q When did he tell you this?
- A I don't know.
- Q How many times?

A I don't know, just with some other people he had done it with.

Q He didn't mention names?

A No, he had some himself and he just didn't have enough money to swing what he would like to do and he thought that, you know, with this arrangement it would work well.

Q Did he tell you he was acting with or for another individual?

A No.

Q Did he ever mention the name Michael Hellerman to you?

A No.

Q Do you know the name Michael Hellerman?

A No.

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Did he mention anything to you about a heart

Er

sent it to him.

Yes, that came out of the one book.

- I see two of them are endorsed to a Rego Trading Corporation. Do you know who that is?
 - No.
 - Is that one of Mr. Ostrer's companies? Q
 - Not that I know of anyway.
- Q May I make copies of the fronts and backs of these checks?
 - You have copies of the front.
 - The backs now?
 - Yes, go ahead.

MR. HARRIS: Off the record.

(Discussion off the record.)

- Mr. Moss, I made a request of you to send the backs of the checks, these three checks because our Xerox machine is not functioning too well.
 - Yes.
- We have one check which you made out, number 406 on March 25th. You made all three checks out the same day?
 - I really don't remember.
 - You don't recall? Q
 - No.
 - The first one is dated March 25th? Q
 - I don't think so.

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If it had there would have been a numerical 2 sequence. It has on the back 2,000 shares of Belmont Franchising; is that your writing? Yes. This is a check you gave Mr. Ostrer? 7 Yes. 8 The second two, dated April 6th. One is number 407 and has 2,000 shares of Belmont Franchising. That is 10 your writing? 11 Yes. 12 And the third has no writing on the back, dated Q 13 April 6th. It is your check, 415? 14 Right. 15 None of the writing on the back is your writing? 16 Yes. 17 On the third one? Q 18 On the third one, no, no. 19 MR. HARRIS: Mark this as Division's Exhibit 20 Moss 2 for identification. 21 (Photostatic copy of confirmation 22 marked Division's Exhibit Moss 2 23 for identification, of this date.) 24 I show you Division's Exhibit 2. What is that 25 a copy of?

140 A A copy of the confirmation for the 3,000 shares. The confirmation is made out to whom? Q To Louis Ostrer. Q How did you get a copy of this document? When he visited me he showed me the confirmation along with the data that we talked about. In other words, he told you this is how he bought the stock? A Yen. Did he give you the certificates at that time 10 on March 25th when you gave --11 Let us put it this way, either on that day or 12 very shor thereafter. 15 You don't recall? 14 I think it was -- as a matter of fact, I think 15

it was on that day.

Do you still have the certificates?

No, they are at the bank.

Do you know whose names those certificates are Q in?

I remember one large quantity. They were broken up and I don't know how, but one large quantity was in the name of Pasternack Securities Corporation, because the bank called me and that is how I happened to remember, and asked for a resolution to allow them to transfer or whatever they

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had to do and that was given. Everything was straightened out. That is how I happened to know that name.

I don't know how many of the shares were in that name or whether they all were.

Q Did you ever have any later conversations with Mr. Ostrer about Belmont Franchising after the first initial one?

A Well, while it was going up it was great, then, all of a sudden --

Q Did you ask him when he was going to sell?

A Yes, I said that.

Q Let me ask you, did you have the right to sell the first 2,000 at any time you wanted?

A I had the right to do what I wanted with it but, of course, in any of these situations you always work with somebody, you are guided by the fellow who, you know -- went in the deal with you, and he was saying that "I think we may sell it. It looks" -- and then, of course, it jumped a little more and I'm always reminded of that famous proverb, the bulls, the bears and the pigs.

Q Did he say to you he would have to check with somebody before he sold it?

A No.

Q He said he may sell it but never did?

A He said he thought he was going to sell it very

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soon he thought this was possible.

Around what price was the stock at that time?

At that time the price was about 38, I think it was, 38 or --

Did he tell you what price he hoped to sell it at that time?

No, he thought that -- he thought as far as I get a picture, was going up so fast I think "We ought to sell it, we ought to sell it, I think I will, I think I will," and the next day or two or three seddenly there were no offers. That was it.

Did you have any discussions with him at that time?

Yes.

What did he tell you?

I don't understand it myself, I don't know what happened, I don't know what happened, and of course, my next question was this thirty thousand some odd, plus interest involved here, and "I promised you I'd take care of it, I will."

Has he ever indicated to you he knew what happened to the market?

No. As a matter of fact I have asked that several times, "Why, why, why?"

And --

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143 He has never mentioned anything about any of Q his friends or associates who were in control of the market and lost control? No. Then, when this thing happened, when the bank called me, of course I called, you know, this is, of course --Q The bank called you on what? On why a call from you (indicating) Mr. Goldman) A Referring to the Freedom National Bank? Q Wes, Freedom National Bank, how that is, how I happened to call you. You are a --It is up in there, a general collateral loan. That is when I called you, and what was it all about, because they called me. Then I called him and he said "Yes, I know there is an investigation. I don't know what is going on and what happened."

What else did Mr. Ostrer tell you? Q

What?

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What else did he tell you? Was this when he told you he guaranteed other people or he gave the stock to other people like he did with you?

No, at that time all that happened was that he told me about some investigation, he knew about it, and I

144 don't know that or subsequent conversation, that there were some other people he had done this with. Of course, I have been pressing ever since. It is minana, at this moment it is minana. "I will take care of it." I have reason to believe honestly that he will eventually and I hope soon. He has never indicated to you that he knew of any of the brokers who were making a market in Belmont? No. Did you ask him who his broker was from whom he bought the Belmont?

No, just obviously an over-the-counter broker. This is a -- this is an over-the-counter stock so I didn't pay particular attention to it.

- Do you know Mr. William Kilroy?
- Yes, a fellow up in his office.
- Is he a partner of Mr. Ostrer's or socially or what?
 - No.

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- They just share an office? Q
- I think now come to think of it, I don't know if he works for him or a sort of independent agent.
 - Q They are both in the insurance business?
 - Well, Kilry, I understand -- Ostrer doesn't have

145 19 a license, he is a consultant or something like that, but Kilroy is in the office. I really, you know, I never really inquired in--- 03 What their relationship was? Q Yes, with any of the people up there. There's three or four people up there that I know, but --Did you ever have any discussions with Kilroy about Belmont? 10 No. . 11 Do you know Dina Gelman? 12 I heard the name. 13 You don't know where from, Mr. Ostrer? 14 Is that his sister? 15 Yes. 13

Yes, I'm asking you the question, but --

You don't know anything about her?

I may have met her once in all the years. I don't know who she is.

BY MR. GOLDMAN:

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- Q Who gave you the certificates, Mr. Ostrer?
- Yes.
- He personally gave them to you?
- Yes.

BY MR. HARRIS:

Q He mailed them to you or gave them to you?

A No, think he had them with him and gave it to

me that day. He had the confirmation.

Q Do you know how many shares he bought altogether?

A No, no, I told you I -- I know he told me it was an awful lot. He had exhausted his own credit and his own means and that is why he was doing this.

Q Do you know if he made morey or lost money in Belmont?

A On Belaunt?

Q Did he ever tell you how he came out?

A No, not -- not come out. I will rephrase what you are asking.

Q Go ahead.

A The only conversation I ever had was about buying and selling, was that he never sold anything "God damn it!"

Q He said he never sold any?

A Yes.

Q Do you know Mr. Kilroy?

A I didn't think Kilroy wer on him on this thing, but he said not one share of this stock was sold and then, as I said, "God damn it!" Yes.

Q You don't know who Rego Trading Corporation is?

A No.

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MR. HARRIS: At this time, Mr. Moss, we have 2 no further questions for you. 3 Is there anything you would care to add? THE WITNESS: Not that I know, that I can --5 you know, I think everything I know about it you have got. MR. HARRIS: Thank you very much for coming 7 down. MR. GOLDMAN: Off the record. (Discussion off the record.) 10 MR. HARRIS: Back on the record. 11 I asked if you knew Matis Feit off the record. Q 12 No. 13 he is a neighbor in Oradell, New Jersey. Q 14 Orade11? 25 Q Yes. 16 I don't know anybody there because I moved in 27 a month ago. We were in Teaneck so I don't know anybody in 18 town. 19 Do you belong to a country club, golf club? Q 20 No. 21 MR. HARRIS: Close the record. 22 (Whereupen, at 12:36 o'clock P.M. the examination 23

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was concluded.)

WEXHIBIT

U. S. DIST. COURT

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Autrey Moss

dike, Morvillo

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Y MOSS, called as a witness, ong been duly sworn by the Deputy Foreman of the dury, testified as follows:

IKE:

ould you state your name. please, sir, and spell it.

A Aubrey Moss [spells].

U. S. Attorney. Mr. Morvillo, on my left, is also an Assistant
U. S. Attorney. Before I ask you any questions, you should
understand that, under the Constitution, you have a right to
refuse to answer any question the answer to which you think may
tend to incrime ate you. Do you understand that, sir? A Yes.

do give can be used against you later in a court of law?

A Yes.

You should understand further that you have the right to the advice of an attorney with respect to the proceedings here, and although the attorney cannot be present with you in the Grand Jury room, you would be free to go outside and consult with him with respect to the answer to any individual question. Do you understand that, sir? A Yes.

Q Do you have an attorney with you this morning?

Have you consulted an attorney with respect to your appearance here? A Not yet.

& But you understand that you have that right. A Yes.

- Q You understand, sir, that you're testifying under oath here this morning and if you wilfully lie or tell any falsehoods before this Grand Jury, you would be subject to the sanctions of prosecution for perjury. You understand that, sir? A Yes.
 - Now, what is your address, Mr. Moss? A Home?
- Q Home address. A 737 Hemlock Drive, Oradell, New Jersey.
- Q And what is your telephone number there? A 265-6804.
 - Q Oradell, how do you spell that? A O-R-A-D-E-L-L.
- © 265 -- what's your business address? . A 299 Pavonis Avenue, Jersey City.
- Do you have a telephone there? A 964-7900. New York, 212.

[Continued by RSK]

EJC MR. UPDIKE; MR. MORVILLO

Witness: AUBREY MOSS

- Q Mr. Moss, have you ever had any transactions in the stock of Belmont Franchising Corporation? A Yes.
- Q Would you explain to the Grand Jury how you came to engage in those transactions? A In March, 1970, Louis Ostrer came to me and asked me to well, it's hard to explain this. He had some stock of Belmont Smelting, and he said --
- Q Belmont Smelting? A Belmont Franchising;
 I happen to be in the metal business. It's a company, Belmont Franchising, and if I could give him what the stock
 cost, we could work a partnership, and he'd agree to hold me
 harmless from any loss. We would split any profit.
- Q Did you know Mr. Ostrer prior to this time ?
 A Yes.
- Q And you say you had this conversation with him in March of 1970: how long prior to that time had you known him?

 A Probably fifteen years.
- Q Had you engaged in other stock transactions with him of a similar nature? A No.
- Q So this was the first time he'd ever propositioned you along these lines? A Yes.
- Q And he stated that he'd guarantee you against any loss, and that you and he would split whatever profits accrued from the subsequent sale of the stock? A 'nat's right.
 - Q Was that to be a guarantee which was his word, or a

3/23/71

RSK-2

Moss

written guarantee, or what? A No, he gave me a note, writing out the essence of what I said.

Q Did he do that right in your presence at the time? A Yes, right there at the time.

MR. MORVILLO: May we have this marked Grand Jury Exhibit #1 of today's date for identification? (so marked)

Q I show you what has been marked Grand Jury Exhibit #1 for identification: can you idencify that document?

A The 's the note that Mr. Ostrer gave me with reference to the guarantee against any loss, and a splitting of the profit.

Q That is a copy of the note? A That's a copy of the note, yes.

BY MR. UPDIKE:

Q Were you at all suspicious of the deal that Mr. Ostrer offered to you? A No, not really.

Q So far as you knew, what was in it for him?

A So far as I knew, he hoped that the stock would go up.

That's all I knew about it, and the company had been acquiring, - that's what he told me, - the company had been acquiring some other companies, and was expanding, and hopefully the stock would increase in value.

Q Did he indicate that there had been other transactions of a similar kind with anyone else, in the stock?

A Of the same kind as mine?

Q Yes. A I think he did mention another party.

Moss

He said that he was going to ask a Mr. Evans (spells), or Evins (spells), - I'm not sure.

- Q To your knowledge, did he ever make the same kind of an arrangement with anyone else? A At the time, no, but subsequently, yes.
- Q Did you, in fact, purchase some of the Belmont
 Franchising stock? A I suppose so, yes, because
 2,000 shares represented \$30,400 whatever, that's what
 I gave him for it.
- Q Let's take a step back: is there any doubt in your mind as to whether you participated in the purchase of some Belmont Franchising stock? A No, it was a purchase, because the way the note was, it was 2,000 shares of my property,—yes, that's right.
- Q You seem a little vague about this. Would you describe exactly the way the transaction took place?

 A Well, just the way I said it before. He had the stock, and the note, as it says, where the 2,000 shares were the property of myself, in return for the \$30,400, so that I suppose, in that sense, I did buy it; took it from him for that sum of money.
- Q So that you transferred that sum of money, is that correct? A Yes.
- Q How did you transfer it, or pay it? A I gave him some checks.
- Q To whom were the checks made out? A To
 Mr. Louis Ostrer.

Moss

- Q They were made out to him personally?

 A Yes.
- Q In exchange for that did you receive stock certificates? A Yes, in the amount of the shares; the stock certificates, \$30,000.

Grand Jury Exhibit #2 of today's date.

(so marked)

- Q Mr. Moss, I show you Grand Jury Exhibit #2 of today's date, and ask you if you recognize that, sir?

 A Those are the copies of the three checks I gave Mr. Ostrer.
 - Q That is your signature on those checks, is that correct? A That's right.
 - Q This is the \$30,000 that you paid Mr. Ostrer for the Belmont Franchising stock? A Yes.
 - Q Did you have anything to do with the brokerage arrangements for these transactions? A No.
- Q Mr. Ostrer handled that entirely himself, is that correct?

 A That's right.
- Q Did there come a time when you sold the shares of the Belmont Franchising stock that you purchased?
- A No, I never sold them.
 - Q You still have those shares, is that correct?
- A Well, not as of today.
 - Q Not as of today? A No.
 - Q You've sold them prior? A No, they were not sold

Moss

Q What happened to the shares? A The shares were given to the bank, against which I borrowed \$30,000. Last week, The shares were given back to Mr. Ostrer in return for a payment to the bank of \$2,000, and some notes to pay off the balance. There had been a previous payment in conformity with his agreement to hold me harmless from loss. He paid \$12,500 back in September or October, and last week, - it's not last week, - but he gave the bank \$2,000 and a series of notes, in return for which they gave him the certificates.

Q What bank was that? A Freedom National Bank, at 125th Street.

BY MR. MORVILLO:

- Q Mr. Moss, when Mr. Ostrer first approached you with regard to this particular tock, what did he tell you about it which made you decide that you'd like to invest?

 A Just about what I said before, that the company was expanding, and that they had acquired some other small companies in various fields, and were going out and acquiring other companies, and that he thought it would go up.
- Q Did he tell you that he had some pretty good knowledge that it was going to go up? A No, he just thought it was going to go up.

MR. UPDIKE: Madam Forelady, no further questions: may the witness be excused?

*

Moss

BY MR. MORVILLO:

- Q Just a minute: do you know an individual by the name of Di Lorenzo? A I've heard of him, yes.
- Q Who did you hear about him from? A In the papers.
 - Q How about Mr. Ostrer? A No; I've seen him.
- Q In Mr. Ostrer's office? A In Mr. Ostrer's office.
 - Q Did you ever have any discussions with Mr. Di Lorenzo?
- Q Did you ever borrow any money from Mr. Di Lorenzo?
 A No.
- Q Did you ever have discussions about Belmont franchising stock with Mr. Di Lorenzo? A No.
- Q How did it come about that Mr. Ostrer began to repay you on this agreement that you had, within the last week or so? Had you been pushing him on it? A I'd say so, yes.
- Q How long had you been attempting to get him to meet his commitment? A This had been going on since I'm trying to remember last year, whenever it was the trouble began with the stock, and it became worthless. Of course, naturally, I bega insisting that he pay, which he did partially pay last October and September. He paid \$12,500. Since that time I've been yelling and screaming let's use that word and getting nowhere, until the 5th of March.

Moss

- Q Did he explain to you why on the 8th of March?

 A No.
- Q Had you told Mr. Ostrer that you were contacted, to appear before the Grand Jury? A Oh, yes.
 - Q He knows about that? A Yes.
- Q Had you had a conversation with him about appearing before the Grand Jury? A Not beyond the fact that I was coming down. Whatever I had to say, I was going to say.
- Q Did he suggest what you should say before the Grand Jury? A Not a word.

MR. MORVILLO: Madam For elady, would you excuse the witness, please?

WITNESS: Thank you.

(WITNESS LEAVES ROOM)

GX AA

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF LEW YORK

UNITED STATES OF AMERICA.

Plaintiff,

-against-

LOUIS OSTRER,

Defendant.

STATE OF NEW YORK)
)SS:
COUNTY OF NEW YORK)

JULIUS NOVEMBER, being duly sworn, deposes and says that I have read the opposing affidavit of Harold F McGuire, Jr., former Assistant United States Attorney for the Southern District of New York and make the following statements in reference thereto.

I did not talk with the said Aubrey L. Moss at any time concerning his being a witness. I had many discussions with the defendant, LOUIS OSTRER, at his office at 377 Fifth Avenue, New York City, relating to Mr. Moss and to the strategy that might be used to discredit him.

As a result of investigation, facts were disclosed that would very much tend to discredit Mr. Moss's reputation.

In no way or manner did I threaten, directly or indirectly, to compromise or blackmail Mr. Moss. On the contrary all of the discussions with Mr. Ostrer were to determine facts and circumstances to weaken and/or discredit any testimony that might be offered by Mr. Moss were he to be called as a

wither on behalf of the plaintiff.

I did not discuss this matter with Mr. Moss at all.

Actually, insofar as my nomony serves me, I did not see him at

377 Fifth Avenue. New York City or elsewhere for a consider
able period prise to the trial herein or during the said trial.

Sworn to before me this

30th day of December, 1974.

A-7 109 MON 101972 PR111/12 Cast 1/10 1311. Red. 3533 + 3563 Dets Maguie + Froley ADA Fines CXJ 1015 Outre in office Levene a artier - Discuss printer enclops 1140 1200 Oster on priote phris Saying he harril got it mow, Het 850-876 it to you legion Thursday merning. What time you coming here Mic Will will be hire at 2 (Ferrale any in bachground) Jones will be in alio. Onther any I'll hum by 2:15 ohey 1205 Oster on puite phone Tellies other party his partner not book from Fela. Cent see ya till be get back (Voice in some over inde 876-885 conversation) Ester If show begans talling with female about coats in fuce Districon private phone - one reded conversations 886 - End William Keliny matter - Cines Mobal chece matter not in his diversion There is 3 transaction. Estres tello perara on phone 3 certificed checks one fort 40,000. ands if hill check on whether any intolouching Certifical Checks outstanding. Abtracorded. Ostres asho for ghow # Dapler + Co 25 Bury Kelsoy + Ostres chains mutty in Kelsoys case 1320hrs 1345 hrs Male named Clarance entir Hice. Senual people

Pel 111/2 - Cours 305/20 160 Moves, 1972 Pec 3533 - 3 3 Det Magnic + Fully ADA TULL in the molling discurred relative to awest. Clearance leturo office 1355 as the Oster ducusing his case with Kelion & 132-193 artie Colon, Oshu tells arthe chat he dout tune what is clike to have you phones topped and to be tailed off over. The F.B. I stops at nothing. atte Daves office 1410 1440 Celia, on private phone check in I haven't keenel from themayone. He said I can pick up 15. Kelsey will be our to peck it up Oster & Female in office discussing gerls 1500 new aparlment and location. Commention Costed approx 134 hours Plant Closed 1830

80 11/12 Car 05/20 121 11:015,1972 161 Det Fraley & Moznine Reel 3563 ADA Find Plant opined 0930 Gxk Subject Daties in office Oster Wills Female to call King Brown. 1300 hrs Oster Cello Henry Stio Trying to get his father. Just 205-230 bear with me, don't army. I may get that big check from 1st Math City. Ill give it to you fuch it. Just bear with me, . Oates has female call Brown again. Ostres 1430 hrs 130 - 237 tello himi he just called Jones. Hes going 5 call me night back. I'm surpred to get 135,000 I'll be there in the morning, Just bear with me 1725 In Ortrer in office with female and male named Jules. L 237-333 Ortrer discusses his case with the U.S. attorney's and a witness andrey 9 1 Moss, who is going to testify agained him. Ostrer songs - we'll have to gather evidence in a different way. We'll also have to observedit his testimony. Plant Cloud -

Pin/22 dese 30 10 24/8/2 (Gui) Reck 3563 ADA Fine J-XN Plant spenied But Duly in plan 0930 Fil Magnice on plant 0935 1140hrs Oster - Sungy - Grenfield - Suganne in office 595- 822 Call up Mosse Ostus all I did was that Tolans Tel See if his going to give us those papers Daher What papers are they Freeyell The copies of the chicks that he paid for the sheh Ostres and a second of regar ment with the bank, Cause doil want to talk to him, I'm case his got his tape recorder on. Juine got to be very careful while you talk to him Sing want me to call 56 hundred dollars Isvenfield What do you want a copy of what hah as a penalty Ostres Right Suzy Regular payment to the bouch and you want a copy Greenfuld of what whats this one No I want a copy of the checks that he poid for Ostres the stocks. He issued 4 checks for 7500 a pice they were given to Henry Brawn, they were dated Iscenfield yellings out to Melion about being late Ostu Want me to signithis

Rel 3563 # 2 New 24 1972 163 ADA Forl Shenfield yea He called you up Suzy He called you back, Ostre No I called Rim Cause I had a feeling he was talking to you, That Suzy Buy Richie is coming up here. 21 Brochuses Suz anne Ostu 21 requests for bochuses, muchech re: request N.R. Suzame Iscenfield The place open today, they open biday Sory I don't know Suzy Ostri yea, he aut closed, Morse aut closed Suzzy Try and get him for me lugy Greenfield What did you dial Mesmfield W04 Suzu 7900 - no answer Granfield No booly answered Suzy Maybe his closed Social about leah in Seat system N. Rel. Suyy Theres no answer, his closed Ostres Reel # A 3563 off machine Reel # A 3446 on machine Plant Closed

Andreoli — x 365 Rm 674

John Fine x210 - Wo for cross.

- Judgment of Convertion -

THURSDAY . DELEMBER 1972

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	USA 39,-475 (ED. 4-23-71)
	(50)
	EXHIBIT
	U. S. DIST. COURT
	S. D. OF N. Y.
	2

BY: Susan Benav Gold, residing at 109-10 Queens Blvd. Forest Hills, N.Y.

I hereby make this voluntary statement: I am employed by Fringe Programs, Inc. at 377 Fifth Avenue as a receptionist.

In the course of my employment I became acquainted with Aubrey L. Moss who frequently came to the office for business purposes. After several occasions he asked me whether I would go out on a date with him. From insurance records in the office I knew he was a married man and that he resided in New Jersey. I accepted a date with him.

Thereafter, he asked me to go to dinner with him and on many occasions invited me to lunch. This began in the month of December, 1970. Shortly after our relationship commenced, he bought me a solid gold pin and then indicated he would like to have intimate relations with me. This was agreeable to me. From then until April, 1972 we met on various occasions at my home where we had sexual relations. In addition he took me to Cherry Hill, N.J. on two occasions, once in July, 1971 at the time of my birthday, at which time he gave me a diamond ring, and also at an earlier time. In addition he took me to Chicago six months after we started dating for four days. In April, 1971 he took me to Paris, Pome, Milan, Madrid for a period of three weeks. In Europe he registered as Mr. & Mrs. Moss. In the states he registered in separate rooms, because he expected that his wife would call. He lavished me with a Mink Coat, a raccoon coat and matching hat, and two mink hats. In addition he gave me other expensive gifts. On the average he gave me \$100. every two weeks in cash. As I was and still am single I asked him if he contemplated marrying me. He stated that he was making every effort to get his wife to grant him a divorce so he could marry me. He also told me he had a regular girlfriend fore, and that his wife would have given him a divorce when shefound out but that he didn't really love the girl so he refused the offer of divorce.

About eight months ago when I was having dinner or lunch with him he would begin speaking bery harshly and very viciously concerning Louis C. Ostrer. He had told me among other things that Mr. Ostrer owed him a great deal of money from the past and that he had nothing but aggravation from him. He also said "I am fed up". He also did say "that son of a bitch keeps causing me aggravation". As time went on he became increasingly bitter stating that he had had an accumulation of losses and nothing ever worked out. His attitude became so bad that he seemed to have only one view in life, discussing Lou Ostrer.

I became fed up and refused to let him come to my home. He still persisted in seeing me however and we would have lunch and sometimes dinner. Shortly before Labor Day, 1972 he bought me a Sylvania Color Television but I refused to be intimate with him. In addition when Is first began seeing him he bought me a bed, a Sealy Posturepedic Mattress to help my back at a cost to him of over \$300.

The items that he bought me in Italy alone would fill several pages, including Gucci pocketbooks, shoes, and many many other items to wear.

About six months ago he began telling me that he was through with Lou Ostrer, would not have anything to do with him and he was going to drop all posicies written through the office at 377 Fifth Ave "One by One". He also told me that since Lou Ostrer claimed he could not pay him that he was going to be a witness against him. He kept telling me this with increasing frequency and he also kept mentioning that he was concerned with his personal reputation, and his family's welfare, and was worried about his relationship with banks, business connections, and that he didn't wish to be embarrassed.

I have worked in and about Mr. Ostrer for eight years. I also know that in that time Mr. Moss has had many relationships with Mr. Ostrer, both socially and in business. I feel that Mr. Moss in his zeal to down Mr. Ostrer is venting anger for not having been paid a money obligation. Mr. Moss's actions have turned may feelings for him into lack of respect for

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him by his talk and his deliberate statments that he will _et" Lou Ostrer for this, and that this is his goa.

He has referred to Mr. Astre. as "that son of a hitch" and other enually distasteful words

The above is only a short resume of Mr. Moss's actions, his relationship with me and only a skeleton outline of the many expensive gifts he lavished upon me. I voluntarily went to Mr. Ostrer and for the first time told him of Mr. Moss's plans about a week ago as I previously did not wish to be in the middle.

I feel however, that it is mv duty to tell Mr. Ostrer of Mr. Moss's ill feelings and and describe in my own language how this vengeance has become a phobia with him, that is the destruction of Mr. Ostrer.

Luan Gray Hild

Dated, this 21st Day of November, 1972

SATURDAY · DECEMBER 1972 Counsey v. 1973 to whit want mother of co-cf 12; King ling. w. . Le. Scorre, 10174.
Mich Sign of Wing Alon 3002.

18 10t. 226. in Whos for a chief line of the Score, february PRIDAY . DECEMBER 1872 discurred withour. DIST. COURT D. OF N. Y. 4200 XHIBIT.

Book ploned

41 11 per fort no. 180. Scorti re 1505 por.

Pill w. Dots. Eumon of O'Hower's no Dios pose. Let. Collins in Princ Dulys. Additione forts.

Notes - conf 4/18/73 at ofc. of ADA 170

John Line re possel further investigation on Ostrer

Fat Tony Saler no -- chief target of DH's ofc

one branch Henry Brown

- Milton Commercial

- Maritae Commercial

- Varrong hords

second (Murray Jelling)
- Rego Trading
- Sam Jacobson (Bklyn)
- hooks

(Skim; phony tax deductions)

Livestyctions

- Plot to morder?? (Victim unburn.could be Hillman - tapes short plot afoot)

- Loan - Sharking . also show

by wiretaps

- Union bribery - ditto - this
inferentially Ostrei's principal mortormens.

- Air freight (Di Lorenze family) ditte

USA 338 - 475 (ED. 4-23-74)

GOVT

EXHIBIT

U. S. DIST. COURT S. D. OF N. Y.

H

- Susan gold, an employee of Ostrer's Fringe Programs, was for some time clappy with Andrey Moss.

Her address: 109-10 Queens Blod., Forest Hills

According to her written statement dtd

11/21/72, she came to Ostror Zactuelly November]

and volunteered the fact she had illicit

relations with Moss, because she felt that

Moss was out to get Ostror.

Buth same day, a tape-recorded cont. between Ostoer + November (buy in Ostoer's - spice) contains ungings by November to inform Moss that he's in the spot, and some diffiding on the part of Ostoer. The only agreement between them seems to be trul Edelbarm should know of the affiding for cross-examination purposes.

De another date, a recorded telecon between Susan gold + Ostrer soms to reveal that Susan has told Mess of the Fleten.

Moss of November - one, at lest, must hely that

SUBJECT: L. OSTRER PLANT #

A.D.A. FINE REEL #A3532.

MOND AY, OCT. 30.1972. DET. BRENNAN.

Otta get some money and lay it aside. In:

Yeah. If you get this, put in the five. Twenty-five from

you and twenty-five from Dina.
That's about the size, of it. Thisfucken trial. I'd like Ont:

to sestle this thing here. He's willing to talk settlement.

Who? Out:

In: The lawyer wants to talk settlement.

Yeah? Out:

Oh yeah. Told you that. In:

What does he want? Out:

Louis talk to the guy. He's anice little guy. He's a good In: friend of Sudman's (ph). (PAUSE).

Oh, I guess I'll need two thousand dollars cash.

Two thousand? What for? In:

Because he had the two bounces. Out:

What two (2) bounchss In:

Out: One thousand dollar bounces.

Only one (1) bounced. In:

Out: Two of them.

In: One.

out: He gave me two (2) checks Seymour.

In: She had two checks.

Out: How would he have two checks?

All he had was a sixteen hundred bounce. In:

out: What.

It was sixteen hundred dollars we were overdrawn on. In: What about the two guys? Ah, what's the difference, it doesn't matter, its all over.....

Out: Which two guys?

In: There were two, uh, you gave me his two checks, the other two willprobably bounce, so what the unless they didn't go in there yet.

Cit: He gave me two (2) one thousand dollar checks. Right, only one bounced.

No, they're both stamped insufficient.
Oh, he puts them in the same day, what's the difference. Did In:

you sign them? Yeah, signed them cash received. Out :

In: Okay, let me go over there. Keep in touch.

1155 INCOMING: BARRY MAYHEIM (ph) (Out) to Susanne (In) - Asks for Louis Ostrer and is told that he is not in. She volunteers to put Seymour on the phone. Barry and Seymour discuss Barry's insurance that lapsed in August and the problem with the "Jockey Club" in Florida. Seymour says that he will take care of the insurance and both he and Louis will see Barry in Florida tomorrow.

1200 OUTGOING: 695-3760 Male (In) to Abe Sachs (Out) - discuss a meeting in fifteen (15) minutes at #1384 Broadway, third (3rd) floor.

INCOMING: Louis Ostrer (Out) to Seymour Greenfield (In) - dis-1250 cussion relative to Seymour and certain Bank Officials. And, they took me on the side, confidentially, it came down

from upstairs, they were as sorry as hell, you know. fact, I had brought them something and they, uh, won't receive is.

Out: From who? In: From him.

(CONTINUED)

Case a sell Qua. 160-27, 1972 Rul # A 3534 ADA Fine 0935 Pd Magnire on plant. Det Duly on plant Incoming Call Susan (not) to Lon Oction (in) 2551-569 for - Did he call you? (not recorded) du - yea (not recorded) Zon - yea due - I told him not to. He called me anyway. He called the office. I told him not to call the office. Lon - Well, he told seymon he wants to talk to me. Jue yea I sand to Seymon, I don't want to tack to him Thy d you say this Nothing. He could be all wired uge. you know what I mean ? fue yen That bastard Hows energeling in the office OK woney alught Non delat win File for Kon Och S'll see in Tommen you from al-Low What links

	B	Plant # @B/72 Care # 365/20 174 (174) Rul # A 3534 ADA Fine
Parket Same	0900	Plant Opened by Det. Finley
A State Contract A	0910	Pel. Magnire on plant
S. Landing S. Land S. Lands	1030	Plant Closed - conference with supervisor and A.D.A.
As a constituent and	1340	Plant Opened
Section Constitution	1830	Plant Closed

Sast.

talken in a stanken an ha

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Plupa Con 5/10. Pul 3447 Dec 29, 1972 ADA Fine Och alught I'll tell him you gang to come Duce down and cashih Cisties Do you want a beach chech or coul Dinci Tell him I'll be down and wish it Osher alight dear , would be in the office Dince Orter Mean Ostrer Hello year Swing til I just found 10,000 Ostres alright Brownited Ortus DAVE KAUFMAN'S check that ah Builde I have what you mean () Oshi Ox so; and its sus posed to be good linesday afternoon, its good today hunfield good Ostics or Greenfield discuss about paying the bonk Low soup his got nothing. He look the money from his fallers account his got to pul it back Mit reveled Octus to Susanne Catter ites summer his with maguen. I'm stuck in the Federal Court Pre. Firt closed

A Care # 365/20 176 Dec. Nov. 28, 1972

Rul # A 3564

O900 Plant Opened by Det. Finley

0910 Pel. Magnine on plant

1030 Plant Closed - conference with supervisor and A.D.A.

134c Plant Opened

1830 Plant Closed

Plant & O A/12 177 Qued. Nov. 29, 1972. Care # 365/20 Reel # A 356. F ADA Fine Plant Opened by Ptl. Magnire 0955 1140 Incoming Call Henry Brown (out) to Jusan (in) Henry ashs for Lon or Seymour. Suman says they 're both out of town. not recorded Incoming Call 12.05 1921-947 Lon Ostrer in Washington D. C. (out) to Susan (in) and Jerry (in) 9.7 recorded at 33/4 Lon to Jerry at 178 Lon to Suran fue - auberry called me. You tell me what. Low - Tell him you don't want to meet with him, forget about it. Sue give Lon his messages. Conversation becomes social 1415 Queoming Call Seymon Greenfield (out) to Sucan (in) Seymon out of town asks for messages not recorded 1800 Plant Closed

178 Nov 30,1972 Pl111/12 Care \$25/70 #1 Rel 3564 ADA FINE 1.51-82 Edont opened Lin . 0950 Det Dinley C930 Pel Magnire on plant 2931 Ducoming Call :057 Morse aubery (out) to Susan (in) - 4+1-951 call gets cut off Incoming Call 1100 Morse aubery (out) to Susan (in) - 451-1023 aubery wants to meet busan at 1:30 Susan says. I don't want to see you until this whole thing is over. She says that she is in the middle because both anberry and Ostrer have been good to her. She asks antiry - what are you worried about? auterry - this man over me a fortune. Suran asks him if he volunteered to go to the U.S. attorney, Outerny says no, he was called. Susan souze he'n a lier. Ducoming lair Morse andery (out) to Low Ostrer (ii) L1013-1066

(over)

1'19 Av. 30, 1972 Plant + 119/12 (time) I don't want to talk to you. you've been downtown. and I don't 1063 want to get involved in sugression of -1066 evidence. auberry - I got called downtown to tell the story of what happened, and I'm the only me of the whole bunch. 6 - you awready told it to them once in the Grand Jury A - So did the other L. They didn't subpoena you, you voluntiered to go dow I did not, they asked me to come ... If I get into the papers, my head 2 - It is you're own fault, I don't knowwhy they didn't call Mr. Evane. all of a sudden they singled you out. Maybe he figures I'm the one he can hang you with. 61053 If there was any intent to gay you back one dime, we wouldn't pay it to you now. tor you to go to my lawyer and ask for money would be rediculous.

Care H. 36 70 6 lon. Nec. 4, 1472 (1) Reel # A3447 180 ADA Fine Plant Opened - Det. Finley + Ptl. Marguire 0930 Det July on Plant 09.30 Ducoming Call Murray Geller (out) to Bill Kibroy (in) L014-031 Murray - I put that cleck in for 5050. How did Lou make out? Bill - good Murray - to you still have those coats. Bill - yea Line 80 out of service 1045 Incoming Call Henry Brown (out) to Seymour (in) L031-05L Seymour sough Low sould be back today. Incoming Call 1730 Lon Ostrer (in Florida) to Seymour (in) N/R Lon says he's coming back late tonight I'll call you. not recorded 1900 his Plant closed

46111/15 1000 Cos/10 #/ Reel 3446 Nov 30, 1972 ADA FINE BUG Plant opened Line 0087 Det Duly 0930 fil Magiere or grant 0031 1657 Suzy in office on phone with Horse 087-243 Oster in ffice on phone with Morse 11 do hrs 243-328 Oster wiff with Male alled Jerry 1258 HRS Ostier you need more Jerry. Come on give me that 1370 wellyes please I sail Im going to Fla. Ostres Jerry Im near your nessers me, I swear Oster begans country out money the sume of 870. Jeny lells him you not making me Rappy, Ostru tells Jerry I owe your 2,000 but the puice is paid up. Onther say to Jerry lend me \$50,000. Jerry says where and I gonna get it. Ly delen if he was would dget it in a few mentes you give me kere

P11:/12 Care 05/10 182 Nove 30,1972 Riel 3446 #2 wil ADA FINE Ostru 3870 3870 Jarry Ostur Why doul you do that Jury Ostrer Why what the big deal you sight, you sight try Jou doil want to do that Ostres yea sure where am I gonna get it, all you Jerry make me laugh Jain't got it Ostres Where the Doctor Jarry The Doctors is the Doctors in Jail. Next week you'll straighten me out. year but I'm Talking to you about southy else Ostres I amil get it, I amil get no ways near, I amil Jerry get nothing I'm broke my self Ostres Key besten you ain alling me you and down a bet of business, you gotta be year but small Love, that what its small for Jury me, I swea: to god. Ostru why don't you breng it up to the fifty dollars and give me the balance what the fuch I don't understand you people you know that Jerry year Ostus These ain molocy better in the world thou me I never Runched you. jung Oshu you don't want to believe me (Cont)

Pell1/12 - Cali 25/10 Del 3446 183 Nov 30, 1972 ADA FINE ther look a lot away from me I'm serious, Why don't your (wands the others Originally it was 35 I gone you 25 on it sky , you geve me the 17.5 and then I make up with you to give you back ah, ah 20,000 in January, thats all I amil got it right now you mean you doil worne have it night now. I swear I I I aint hiding you, I however got Jury Ito important I'm going in to the Roleday season Datus to very important For you to ask me I know its suportant but I ail sol Juny it ught now, I'm serious Ostru You give me 17-5 comes January I'll give you back 5 a week tell it soes down to 25 you know I can do it. Whato the by deal I know you can do it, bent I aiml got it right feny now. I'm not kidding you I aim got it I haven't got it, If I had it I'd gene it tough I wint I just took a, look I'm lelling you this took for I'm telling you this book most, what ever WE Rad, took it all away. You would believe. me, plus I've got guys BOOKMAKING. 10 - 8 still waiting I and got, I'm vailing Jerry Ostru yea I would you to give me

Pel11/12 Core 30 50 184 Nov- 30, 1972 Rel 3446 ADA Fine I hope you and, I am got the 17-5 I amil solch Jenry You got 20 times it Ostur yea I know Jeny year believe me Osher alught you go, I'm serious I aim got it Jerry If I know, what's the big deal you make me lough if I had it, whats the big deal your goura leave me asher SO HOMA Jeny I aim soung no where Ost So that what I mean, I know at my apinion Jenny wi my mind but I aint got it. On the few little bet-that I got I gotts heep for This See like this kine, I had to wait and all Why don't you so out and buy it () Ostus Inaud come on Juny you could you could you could get it at a Oshu I don't get envolved, I don't get envolved with Jeny (would you know what I meen. Lelen of some They comes up, I see my way I'll get it for you otherwise Louis as it stands now - no way Church o year to much, - mes -- y Postu It I make a deal lester carefully I'm letter gwe you a mikel a week fiz 5 weeks

Pen/12 lose 55/10 #5 185 Mov 30,1972 Reel 3446 ADA FINE tul (and) you ought to sleep on to, I'm just lelling ign Recourse O know where to coming from, you don't see. We got god knows how much armise. coming to us whay, god knows how much. Shes depositing a stack of cleshs from Kiotorical Philadellic : the moneys solling in . I doin want to louch that money till after the furt of the year. I down want to pay no tay on chat fuchin shir. Kere I'll show you sow they (appearently showing sometype record to Jusy) . suying look - lever and les one (repeated cereral times) Chelier Now you know what the money is worth to me If I say to the COMPANY her give me a hundred large now, I gotto give Uncle Sam 40 of it, to me that 40 is (mand) Jeny Listen of southery comes up I give It you otherwise I'll see you next work. Sill well to you on Saluday and I'll piers Ostres you to ask DANNY Jeny On his you've some away I'm song to Fla. I be back Tomorrow, but I'm belley you if your self dout laugh for you I'd do it first I have that when Agortif yought hold I and, I amit, I'm not lying to you. I got a gry a week, you know what that amounts too

Plui /2 conjustro 6 186 Nov 30,1872 Rul 3446 ADA Fine iny If I had that now, I give it to you in 2 seconds The other gay what ever that is there I can't even go near it foughtabout it. Believe me when I tellige if I could, you till me January I'd go grab it and bring it back, What's the ling deal (End walking out) 2000 his Plant closed

187 SUBJECT: OSTRER FRIDAY, OCT. 27, 1972. DET. BRENNAN. PLANT # REEL #A3532 #2. A.D.A. FINE relative to Gold cuff links for Louie Ostrer for his OUTGOING: birthday on Sunday. N. R. INCOMING: Mr. Lipman (Out) for Louie Ostrer - Susanne, Mr. Ostrer's Secretary says that he may have left for the day. Mr. Lipman asks her if Ostrer received the message that he called, and Susanne replied that he did. Mr. Lipman tells Susanne that if Ostrer comes back today have him call me at this number until six o'clock: MU 9-6380. 1710 N.R. 1800 PLANT CLOSED - -

1 1 hut # 111/0 Tel 188 110 12/1/08/72 Rul # 43532 Det O'Rauski 4-1 What fine 170 1930 Elnt afenul 1664 1/c out 0/c by office funnel not nond in the water, N/R 1030 ltx Inc. mele Couts to Fende Social 1510 259-761 and Call on 83 not recorded 1550 Ostres tells H. Brown his stuck-hell 5:30 Court was adjourned till then. Has to go to Roy Cohen at 6 Plant chard 1945

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SUPREME COURT OF THE STATE OF NEW YORK

COUNTY OF NEW YORK : PART 40 Ind. 413 3030) 67

THE PEOPLE OF THE STATE OF NEW YORK

- against -

LOUIS OSTRER,

Defendant.

100 Centre Street New York, New York February 26, 1973

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Before:

HON, MAVIER C. RICCOBONO, J. S. C.

Appearances:

For the People: JOHN FINE, ESQ.,

Assistant District Attorney

For the Defendant: MAURICE EDELBAIM, ESQ

by: RI HARD H. WYNN, ESQ.

Branda C. Benjamin Court Reporter

THE CLERK: Added to the calendar, Louis Ostrer.

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THE COURT: Who wishes to be heard on this?

MR. GARFINGEL: I would simply like to make a
statement for the Probation Department, as you know

Mr. Ostrer was placed on probation on October 27, 1969
following his conviction for grand larceny in the first
degree on Indictment #3030 of '67 and 3032 of 1967 and
at the time was placed on probation. He was directed to
make restitution. On June 22, 1971, Mr. Ostrer was
charged with a violation of probation based on the fact
that he had been indicted in Federal Court on May 27, 197
1971 on Indictment #71CR558 which charged that between
Ocotober 1, 1968 and May 27, 1971; while he was on probation he was alleged to have unlawfully engaged in
criminal acts of manipulations stock of the Belmont

It is additionally charged now while on probation Mr. Ostrer is reportedly to be in constant association with known criminals, persons involved in organized

on March 13, 1973 in the Federal Court.

Franchising Corporation. On June 22, 1971 at the

violation of probation arraignment he was paroled on the violation of probation pending the outcome of the

Federal case and on January 26, 1973 he was convicted on a Federal indictment on charges of conspiracy, unlawful use of mail and mail fraud and he is awaiting sentence

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crime. The assistant district attorney, John Fine is substantially supporting this allegation by the Probation Department.

MR. FINE: I am simply here for the purpose of stating certain of the elements in Mr. Garfinkel's report to the Court.

On the 22 of February 1973 in Part 37 of this Court before the Honorable Jacob Grumet, a sworn document plus argument was had committing Mr. Louis Ostrer, a defendant for violation of probation as a material witness, the Court was then told and then supplied to the Court upon these sworn pleadings that the witness, Ostrer a convicted felon has important information involved in organized criminal activities of assault and murder of a certain person. The witness has information concerning certain usury activities. The witness is indebted to known criminals, those who operate and control an organized criminal usury syndicate. The witness Ostrer has vital information in his possession concerning the bribery of labor unions officials and conspiracy to steal large sumes of money from said unions. The Court was also told and supplied upon sworn pleadings that the said witness has information in his possession concerning wholesale violations of the New York State Insurance Laws. The Court was

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then told this: we have good reason to believe that
the witness faced with the necessity of testifying
concerning the aforesaid matter among others against
notorious members of the underworld, he will flee the
jurisdiction. Known criminals involved in organized
crime against Mr. Ostrer will make every effort to see
that he is not available as a witness.

In addition to those statements that a search of the premises occupied by Mr. Louis Ostrer at 377 Fifth Avenue where Mr. Ostrer occupies various premises pursuantto that search. There contained evidence denoting the crimes mentioned in the material which the committment order just read to the Court and parts of the para phrase that the People upon the information of police detectives assigned to the district attorney's office squad have information to show that on mimerous occassions, almost on a daily basis the defendant before you, Mr. Ostrer, meets with men with known criminal records in his office aforesaid, leaves the premises at 377 Fifth Avenue and goes to meet them at other locations; these men known to the police to be involved in the various crimes stated before Your Honor, organize criminal activities. On six dates that I can give to the Court can be enumerated that on number of other occasions the said Mr. Ostrer has met with Philly

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Tartaglia, a man also known as Philly Trust, Morris

Milensky, Charles Rubinstein, one Ruby Brown. Those

premises was searched and revealed various loan sharks

criminal usury records tying the defendant here before

you, Mr. Ostrer to those activities and other notorious

names and criminal activities occuring in this county and
out of New York county connected with the search.

The warrant alleged that the officers were searching for the evidence of coercion of a criminal proceeding.

That criminal proceeding stated according to the warrant a statement by a person concerning one, Moss Alley relating to the witness in a criminal case; that evidence was found by the said police officers executing the search warrant. In addition, evidence relating to the crime of bribery of labor union officials and association with known criminals repleat among the material found in the possession of said Mr. Ostrer by the officers acting on the authority of this warrant.

MR. WYNN: May I be heard for a moment and then my client also wishes to be heard.

First of all, Mr. Edelbaum apolygizes for not being here. He is presently engaged in a trial; People of the State of New York against Strinberg in front of Judge Brenner in Queens county. He asked for permission to be here but was not able to get away.

Mr. Garfinkel states that a major plank in the

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violation charge was Mr. Ostrer was convicted in the so-called swindle case as Your Honor well knows and as the minutes held before Your Honor on February 15, 1973 indicates Mr. Edulbaum stared "I believe Your Honor must know after a very lenthy trial and after the jury deliberated the longest in the history of the Federal Court, I believe, he was convicted in the trial but he was on trial with a very notorious codefendant, by the name of Johnny Dio. I say there are. certain things that happened in in the trial itself. It is my considered judgment that case will be reversed without question. There are certain events which I don't think is important to go in at this time. Mr. Ostrer is to be sentenced on March 13, on that matter; I would ask Your Honor to defer sentencing today and we will immediately appeal any santion that may be taken as a result of that conviction be postponed . until there is a final adjudication in the Federal Court. I won't og into the rest of the minutes but Your honor adjourned this matter until May 2, 1973 for that purpose, it is impossible for me to believe on February 22, 1973 when Mr. Fine went before Judge Grunet to obtain the search warrant in question, he was not aware of the facts as I related to them and as they were brought out to you today. If Mr. Fine

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was led to believe that Mr. Ostrer was in violation of probation and subjecting him to posting bail in the amount of \$250,000 last Thursday, he should have gone in on a probation warrant. What happens, he went in before Judge Gramet, he asked for \$10,000,000 bail Mr. Ostrer, through his wife, posted collateral on \$250,000. I finally saw Mr. Fine somewhere close to 4 P. M. on Friday. We had the Bond ready . On the bond it was clear that the premium in the amound of \$7,540, has been posted by Mrs. Ostrer so that Mr. Ostrer could be released. No there was I told or was Mrs. Ostrer or anybody told on that same afternoon while we were sitting here that Mr. Fine has come before Your Honor and at the time we were sitting here had asked Your Honor to sign a probation of violation warrant. Whenever a situation arose, when I was in the district attorney's office, whenever a situation like that arose, it was a matter of courtesy especially in this situation like this where the district attorney could have said, "counsel save your money, have your client save his money, we're going to have a violation of probation and we are going to drop a warrant in this particular case, I cannot believe that Mr. Fine did not know this at this particular time and I find it a

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practice in this particular case. February 22, 1973 a sworn document was presented to Judge Grumet to commit Mr. Ostrer as a material witness. Mr. Edelbaum was presented at this time; at no where and at no time was Mr. Edelbaum given indication of what this evidence was that we ot necessary to hold Mr. Ostrer as a material witness. This important information regarding assault, murder, loan sharking, etc, what did that result in? It has resulted in a material witness committment; to date, Your Honor there has been no indictment of Mr. Ostrer. There is nothing new today before the Court that was not available to this Court February 15, 1973, when Your Honor continued this investigation and put this matter over to May 2nd of this year. The People have information to that Ostrer meets with men who have known criminal records and Mr. Fine cites the fact that on six occasions Ostrer met with Philly Tartaglia, Moe Milenky and Henry Brown at 377 Fifth Avenue. The offices at 377 Fifth Avenue is occupied by many people. There are many reasons why these people might have gone into this office at 377 Fifth Avenue. I am sure that these same people have been going into this same office since October 27, 1969, the date that Mr. Ostrer was placed on probation. This is nothing new, Your Honor. Mr. Ostrer affairs have

been well known to this Court for a period of three and a half years and I tell Your Honor that the unsubstantiated claims of Mr. Fine in the district attorney's office make absolutely no difference . What Mr. Fine wants to do is keep Mr. Ostrer in prison until he goes over the volumes of evidence pursuant to a search warrant and which was not shown on the premises at the time of the search ; a copy which was never left at the time the search was taken. Certain documents was taken, all the papers that Mr. Ostrer has been compiling to present to Judge Edelstein in the Federal Court on March 13. Those premises are also occupied by American Services Inc.; all of documents of that particular firm was taken , all of the documents belonging to Louis C. Ostrer was taken. An individual cannot do business as a corporation. There is a Mr. November, who is present here in Court today, who is an officer of that corporation; all of those records was taken Mr. Ostrer and everybody alre who ever did business at 377 Fifth Avenue has been put out of business at a result of a wild goose chase.

Mr. Fine has stated Mr. Ostrer's life is in danger. Mr. Ostrer does not believe that. Mr. Ostrer is willing to stay at home to do business at home if Mr. Fine will give him police protection at his home. I think it is unconsciousnable, Your Honor, this man's

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wife puts up a bail bond of \$250,000 to be kept in a Federal prison on which this Court has continued Mr. Obtrer to remain at liberty. I would ask Your Honor to have Mr. Ostrer continue to remain at liberty so that he may continue to act as a husband to his wife and father to his three children and so that he may continue to carry on the continued business as he has been carrying on until this matter is here again on May 2, 1973. If Mr. Fine wants to subpoens Mr. Ostrer, let Mr. Fine subpoens Mr. Ostrer and he will appear before a Federal Grand Jury. This is a hodpodge of charges which brings nothing now.

Mr. Outrer is now being held as a material witness, the mere fact that he is being held as a material, witness, I believe should not alter his probation standing at this time.

Your Honor, Mr. Ostrer would like to address the Court if you would permit him to do so.

MR. OSTRER: I was in this Courtfoom last Tuesday and saw this lady, asking for minutes of a probation Hearing which I had to give to Mr. Cosmedaz (phonetic). As a matter of fact I gave her \$40 and I was suppose to pick those papers up today. This raid took place on Thursday of last week. Everything on the premises was removed. The allegation that Mr. Malensky visited

my premises; Mr. Malensky is a union official or he was a union official, Local 110, a union we had written on several occasions. From time to time he has visited the premises, he is a client, a former client and a pending client because he is involved in union activities. The fact that he may have a notorious past is unbeknown to me. The fact that he held a union position bears out to me that he is not a known criminal to me or he could not hold union office. I am not ignorant to the fact as to who could hold mion office. They mention a Mr. Tartaglia who was referred to Mr. Roy Cohen as to Mr. Julius Nov mber He elleits time between his two office; hamely, 35 Broadway and 377 Fifth Avenue. The very reason Mr. Tartaglia spends so much of his time is to be honest with you this man acts as a father confessor, a man who is a guide to me; very frankly so I stay out of trouble. We don't make a move without first consulting Mr. November or Mr. Edelbaum to make sure we don't get into any problems. We employ counsel all over the country to make sure we don't get into any trouble. We are involved in labor unions. The information that Mr. Fine refers too as assault and murder of witnesses or whatever involving a Mr. Aubry Moss is a man who investigated some money in the Belmont stock,

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a man whom I have paid back substantial sums of money, a man who vowed to get Lou Ostrer, just the reverse, to get Lou Ostrer in the Belmont proceeding, if I didn't post haste give him back his money. This man who happened to be socializing with one of the ladies who worked in my office, who came forward to Mr. November, said she wants to volunteer that Moss said he is cut to get Lou Ostrer and Mr. Moss voluntarily called the office of Mr. Edelbaum and asked him to please listen to his tory because he didn't want any adverse publicity as a result of his consorting with this young her. Land.

MR. WYNN: This is a tape recording made of the conversation of Mr. --excuse me for a moment--let me just add at this point the fact that this man's name is Aubry Moss and not Moss Aubry as Mr. Fine has stated clearly indicates to me that the district attorney's office has no idea of what they are talking about. Aubry Moss is the name of an individual who bought Belmont security stock from Mr. Ostrer. He was well-known to Mr. MacGuire the man who tried the case against Mr. Ostrer. He spoke to the U. S. Attorney's office on several occasions as to whether or not he would testify in Mr. Ostrer's case and he did call Mr. Edelbaum and ask Mr. Edelbaum to please listen to Mr. Moss--please listen to me so I can explain the real

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story behind my involvement with Lou Ostrer. That tape is available for Mr. Fine and I am sure that tape is important information.

MR. OSTRER: I may further add, Your Honor, we were certainly considering calling Moss to the stand on our own behalf in the trial before Judge Edelstein; the fact that he had admitted to Mr. Edelbaum he had been repsid. He thought I was had which I was and contrary to what all these news media has said that I swindled a million dollars in the Belmont case. It is a known fact to the Probation Office that I got taken for \$123,000, I was victimized. It's obsurd and I repeat the word "obsurd."

I have told the Probation Department on many occasions, I have told every union I function before; I hold no insurance license. My sister, who is in this courtroom, holds a license, my wife holds a license, my three sons hold insurance license. What I do is go out and sell a concept of it. This is a program which is probably the greatest information ever to hit the United States, a program which has been enforced by prominent adaptation. I met with Mr. Frankford sometime once on Tuesday of last week. I notified Mr.

Mac Guire I was going to see the president of the Teamsters and he said "Oh," and I said, "yes", I want

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you to know; O. K. This story about robbing union funds is ridiculous. Mr. Fitzsimmons is my partner. He wouldn't tolerate this. This is like a fantasy in this courtroom. I don't handle union funds, I don't handle one dime of any union's money. I purposely don't because of my probation and because of my past history. I made it a very pointed policy that any union that we service we make it a point, a practice we do not handle any money at all, you handle it yourself. Remittances are made directly to the union, they deposit their own money. All we do is implement a program. Last Tuesday I was going to Washington, I notified Mr. MacGuire I was going to Washington, I said I'd be there all day. I report all my travels 48 hours in advance of my departure, where I'm going to be, when I am going to come back. It's done by telephone and then confirmed by letter I advised Mr. Christian that I was on the brink of closing some very large situation and so they come up now -- that I am violating New York State Insurance Laws, I don't know what their talking about, Basically if I'm in vielation, I should be charged with such a violation. I haven't been charged with any New York State Insurance laws nor have I been charged with anything else. Then they mention the name

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Henry Brown Henry Brown is like my father Henry Brown is a man who has been in the check cashing business for some 15 years. When the Canada Life incident occurred, Your Honor, I admitted to the Court that Henry Brown was victimized by me. He was one of the people who suffered as a result of the money; it was one of the credits that I had claimed gainst the Canada Life, \$338,000. He was one of the ones who said "Lou Ostrer I will defer your payment until you straightin yourself out." He has helped me immeasurably. Henry Brown to the best of my belief and knowledge is not a known criminal. I don't know if he's ever been incarcerated. As an individual, he's an honest man. I know him to be an honest man. The fact that I do business with Henry Brown has never been concealed, it's on my tax return. You can see on my'69,'70 and '71 tax that I took off Henry Brown in the return. I will agree that it a large sum of money but I owe him a large sum of money and there came a time when I couldn't meet a committment to the Probation Department as to restitution and Mr. Brown came to my assistance as did Mr. November in this courtroom. I owe him money, lots of money, that doesn't mean he is an organized crime figure because I owe the man money. They pick me up on

Thursday, bring me into Court, first they want to remand me without bail, they check the law book, fortunately Judge Grumet said it can't be done. Fine asked for a sum of \$10,000,000 bail; someone would think I was Rockefeller's son. Then my wife, she ran around all day posting a bond , paying Mr. Neuman a sum of \$45,000. The Warden calls me down and tells me we have a bond for you, Mr. Ostrer, so we have a warrant at the same time so I said at the same time this is what it's got to be As I came out at 11:30 they told me that you're being transferred to the tombs which in effect I'm sure Your Honor knows what the tombs are like I said I'm leaving ? I left all my personal belongings, my toiletries. I came to the tombs here. I was loaded upstairs. I haven't had a change of underwear since last Thursday. I haven't had a change of shirt in five days. You we never seen me appear before you in this way. I think it's unconscionable

THE COURT: All right. Let me hear if there is anything further.

MR. CARFINKEL: All the discussions we have heard this afternoon has been focused primarily on the second plank of the violation of probation charged to which Mr. Fine addressed himself and Mr. Wynn. The major plank in the violation of probation charge rests

on the fact that Mr. Ostrer has been convicted of a new crime while on probation and although this matter was brought to Your Honor's attention on February 15th and although Your Honor chose at that time not to focus on that matter, the issue is quite clear as far as the Probation Department is concerned. Mr. Ostrer has violated his probation by cornitting a new crime being convicted of that crime. Simply because Mr. Ostrer claims he is planning to appeal that conviction, in no way plans to mitigate that conviction. A formal procedure of the Probation Department is concerned with the violation ; it is very wall defined, it is based on a new conviction for a serious crime and when a man that has been placed on probation for a serious crime commits another serious crime while on probation, that in and of itself is clearly a violation of probation. We ought to move this further.

THE COURT: Let me just make this one observation with respect to this crime that you say he is convicted of-on January 26, 1973?

MR OSTRER: Yes, Your Honor.

MR. GARFINKEL: Yes, Your Monor

THE COURT: The Federal Court never saw fit not to continu him on bail until such time as his sentencing date. Colloguy

MR. OSTRER: \$10,000 personal recognizance

him in that stead until at least March 13 when he is suppose to appear for sentence. If the Federal Court, after a conviction sees fit to cintimue him in that capacity, why should I under those circumstances take it upon myself until there has been a determination, at least in so far as sentence. If the Federal Court even then sees fit to continue him on probation until the results are established, why under those circumstances should I be forwardly a determination which is to take place on March 13; why should I take the initiative of remanding this individual until there has been some kind of determination there?

MR. GARFINKEL: Your Honor, the Probation Department has made no mention as to what Mr. Ostrer's custodial status should be after he is declared a probation violator.

The question we are trying to focus, is he or is he not in violation at this time and we contend that he is; that the mere conviction in Federal Court clearly marks him as a violator.

THE COURT: In other words, you want to clear yourselves and let the Court make some disposition?

MR_GARFINKEL: Absolutely.

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THE COURT: I think there has been a conviction and as to that the conviction is deemed by virtue of a conviction that there has been a violation of probation—in view of the fact that the matter that he has been convicted on is something that has allegedly occurred subsequent to the date he was placed on probation—and to that extent he should be arraigned on the question of violation of probation.

MR. WYNN: As Mr. Garfirkel stated in his original statement to the Court, the date he was indicted on June 22, 1971, he was charged with violation of probation on that date for the mere fact that he was indicted and that status was continued until the present time.

THE COURT: I do not recall now.

MR. GARFINKEL: Your Honor, that is absolutely true. On June 22, 1971, we alleged that Mr. Ostrer was in violation of his probation based on the fact that there was an indictment pending against him in the Federal Court; that indictment has been resolved by a conviction.

THE COURT: What happened at that time?

MR. GARFINKEL: He was continued on parole at the continued supervision of the Probation Department. We appeared many times before Your Honor since that time.

Qualithose occasions we were simply concerned with

trying to define the complex issues of restitution in this case.

MR. WYNN: That was not all that happened on February 15. It was made quite clear, the first thing he said to Your Honor, Mr. Ostrer stands here convicted before the Federal Court; he is going to be sentenced on March 13, we think we are going to get a new trial or either a reversal and I would ask Your Honor to continue him on probation and Your Honor did so until May 2, 1973.

THE COURT: However, I think the Probation Department and the People have the right to be arraigned on
that violation of probation either guilty or not
guilty to that and then let the Court make some sort
of decision.

Let us then arraign the defendant on the violation.

THE CLERK: Louis Ostrer, you have been charged
with violation of probation, how do you plead to this
violation of probation, guilty or not guilty?

MR. OSTRER: Not guilty.

THE COURT: Now, is there an application?

MR. GARFINKEL: In view of the fact that Mr.
Ostror has pleaded not guilty in the face of a conwiction, we are going to request that he be kept in
remand pending a violation of probation Hearing and
we will bring to the Court a certified copy of the

conviction in the Federal Court which we think will be ample proof of the conviction in that Court which is ample proof of violation of probation.

MR. WYNN: This will not be ample proof until
March 14. As Your Honor so well said the Federal Court
continued him on read status. I would ask Mr. Ostrer
be released in his own custody at least pending his
sentence in Federal Court. Do not forget Mr. Ostrer
has already posted a quarter of a million dollard bond
on a material witness. He is not going anywhere and
he is not paying the premium that he had to make in
order to flee the jurisdiction. He will be here anytime you want him.

Mr. Ostrer's own pleas before the Court; nor, are they convincing. Mr. Ostrer is very fluent, so are his lawyers. The fact remains that all precedence upon a violation of probation that a man having been convicted is in violation of probation; that upon being arraigned on a violation of probation upon the request of the Probation Department, the probationer is remontant in answering very rapidly some of Mr. Wynn's points. He said to the Court from all that Mr. Fine said from all that Mr. Garfinkel has said there is mothing new before the Court. Mr. Ostrer's affairs

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and I think I can quote him, "were well-known to the Court for a number of years. " In addition a search warrant was never shown to his client. Well, I respectfully suggest that I am sure, I am certain that Mr. Ostrer association and participation in activities by organized criminals and the nature of his dealings with them -- hed they been known to this Court or any Court would have immediately resulted in Mr. Ostrer's being remanded and charged with a violation or probation. I only wish I could outline in greater detail to the Court some of the evidence that we do have. I do not feet this matter in part relates to the Court, the sworn proceedings before the Supreme Court would only give adminishing against who would benefit of the evidence that we have. I made these representations to the Court I can only urge the Court in substantiation of what Mr. Garfinkel and the office of probation attached to this Court in their wisdom has asked that this probationer be remanded and the Court knows the Probation Department is an independent agency and does what it doe: with the best public good in mind.

My responsibility to this Court is to inform you that Mr. Ostrer, although he makes adequate appeal to the Court, participates daily with notorious criminals involved in organized crime and forwards their criminal

activities against society.

MR. WYNN: That statement by Mr. Fine is to say the least outrageous. This is nothing that Mr. Fine discovered the day before yesterday of Mr. Ostrer's associations. This is something that is known for years. This man sits here, not indicted with anything except being a material witness and I think it is outragedus that the district attorney in open Court keeps making these statements that convicts this man. There is no conviction in Federal Court until the date that Mr. Ostrer is sentenced. There is no reason that on March 13, that Judge Edelstein will grant him a new trial. Judge Edelstein has continued Mr. Ostrer released in his own recognizance. Mr. Ostror tells Mr. the Assistant United States Attorney everywhere he goes in the United States 48 hours before he goes. Mr. Ostrer has also said he will stay at home and let the district attorney's office put 42 detectives outside to make sure he does not flee the jurisdiction. I think it is outragelous Mr. Ostrer is being remanded in this/ case.

THE COURT: As far as the Court is able to ascertain he is not being charged with anything other than violation of probation, he is not being charged with the commission of a crime. There has been no other indictment charged against him. He has not

otherwise been charged with any other charge. A statement has been made with respect to associations with notorious individuals. These I take it are not matters that have come to the attention of the district attorney's office or the probation Department for the first time, this is something they apparently have had knowledge of for some period of time. The defendant has pleaded not guilty to this question of violation of probation. He is entitled to a Rearing on that He has been held as a material witness and bail has been fixed in the sum of \$250,000. He has fixed that obligation or somebody on his behalf posting the requisite premium for it and therefore security apparently has to be put up in connection with it. The Federal Court after he was convicted by a jury or at least a jury returned a verdict of guilty with respect to some of the counts that he had been charged with. The judge presiding saw fit to either continue him or place him on a personal recognizance bond parole or paroled him on a personal bond on his own recognizance with this \$10,000 personal bond as whoever they termed that and this man has been permitted to remain at liberty at least until such time he had come up for sentence on March 13. Under the circumstances, this Court is going to parole the de Tendant in his was

custody at least until such time the Federal Court has made a disposition with respect to the matter he is suppose to appear on for the purposes of being sentenced on March 1° depending upon what happens at that time, the Court will then be in a better position to make perhaps some other determination but up until that time the Court will continue him on probation and parola him with respect to this violation of probation that he is now being charged with and that he is pleading potiguilty to and in the meantime I would suggest that we fix another date on the violation of probation so that if the violation of probation Hearing becomes necessary it would take place at that time and I think it should take place very soon after March 13, perhaps March 15.

MR WYNN: Any date Your Honor suggests.

THE COURT: Let's put it down for March 15. Under the circumstances the Court will parole the defendant in his own custody.

MR WYNN: Is he free to go?

THE COURT: I do not know. I do not know what you have to do.

THE CLERK: Do you have a coat or anything downstairs?

MR OSTRER: Over in the tombs.

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HFM, Jr.: dm

United States District Co

SOUTHERN DISTRICT OF NEW YORK

TO Aubrey Moss 299 Pavonia Avenue Jersey City, N.J.

USA 38e - 475 (ED. 4-28-71) MOURA EXHIBIT U. S. DIST. COURT S. D. OF N. Y.

URDELA.

WE COMMAND YOU that all and singular business and excuses being laid aside, you and each of you appear and attend before the Judge of the District Court of the United States for the Southern District of New York, at a District Court to be held in Courtroom No. , in the United States Courthouse, Foley Square, in the Borough of Manhattan, City of New York, in and for the said Southern District of New York, on the 4th day of January , 1973 , o'clock in the fore noon, to testify and give evidence in a certain cause now pending in said Court and then and there to be tried between the United States of America, Plaintiff, and Dioguardi, et al.,

Defendant, on the part of the United States, and not to depart the Court without leave thereof, or of the United States Attorney.

And for failure to attend you will be deemed guilty of contempt of Court and liable to penalties of the law.

DATED: New York, N. Y. November 30, 1972

United States Attorney for the

Southern District of New York.

NOTE: Report at Room 450. In order to secure your witness fees and mileage, it is necessary that you retain this Subpoena and present the same at the United States Attorney's Office, Room 450, upon each day on which you attend Court as a witness.

Assistant HAROLD F. McGUIRE.Jr. Room 304-A

Tel: (212) 264-6570

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